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**Cabinet Member for Housing and Communities**

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**Time and Date**

3.00 pm on Monday, 9th December, 2019 (Please note change of time)

**Place**

Diamond Room 6 - Council House

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**Public Business**

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 6)
  - a) To agree the minutes of the meeting held on 24 September, 2019
  - b) Matters arising
4. **Draft Trees & Development Guidelines for Coventry - Supplementary Planning Document** (Pages 7 - 62)

Report of the Deputy Chief Executive (Place)
5. **Outstanding Issues**

There are no outstanding issues
6. **Any other item of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved**

**Private Business**

Nil

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Martin Yardley, Deputy Chief Executive (Place), Council House Coventry

Friday, 29 November 2019

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Governance Services Officer, Tel: 024 7697 2301, Email: [usha.patel@coventry.gov.uk](mailto:usha.patel@coventry.gov.uk)

Membership: Councillors T Khan (Cabinet Member) and D Welsh (Deputy Cabinet Member)

By invitation: Councillors R Bailey and M Lapsa (Shadow Cabinet Members)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting  
OR if you would like this information in another format or  
language please contact us.

**Usha Patel**

**Governance Services Officer, Tel: 024 7697 2301, Email:  
usha.patel@coventry.gov.uk**

**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member for Housing and Communities held at**  
**4.00 pm on Tuesday, 24 September 2019**

Present:

Members: Councillor T Khan  
Councillor M Lapsa (Shadow Cabinet Member)

Employees (by Directorate):

Place: R Haigh, U Patel

Apologies: Councillor R Bailey

## **Public Business**

### **6. Declarations of Interest**

There were no declarations of interest.

### **7. Minutes**

The minutes of the meeting held on 1st July, 2019 were agreed and signed as a true record. There were no matters arising.

### **8. DRAFT Trees & Development Guidelines for Coventry: Supplementary Planning Document**

The Cabinet Member considered a report of the Deputy Chief Executive (Place) which provided information on the 'Draft trees and development guidelines for Coventry: Supplementary Planning Document'. The draft Supplementary Planning Document (SPD) which was appended to the report provided technical guidance that supports the adopted Local Plan.

The SPD is intended to provide technical guidance and support to the Green Environmental policies set out in Chapter 7 of the Local Plan (2016), in particular policies included in Chapters 9 (Conservation and Heritage) and 11 (Environmental Management). The Local Plan provides the framework for determining planning applications across Coventry following its adoption on 6<sup>th</sup> December, 2017. This SPD was developed by the Council's Planning Policy Team and is intended to provide a comprehensive overview of the requirements for applicants in the planning process where trees are involved.

The SPD is structured in a sequential order for an applicant preparing a planning application submission where trees are involved. It covered supporting technical detail(s) around matters of:

- Land surveys
- Tree surveys
- Tree Constraint Plans

- Arboricultural Method Statements
- Capital Asset Value for Amenity Trees
- Works to trees
- Tree and root protection measures
- Planting new trees
- Accessing and moving around sites
- Avoiding damage to trees

This SPD continues to expand upon and support the green environment policies set out in Chapter 7 of the Local Plan, with particular focus on policies GE3 and GE4. The changes to this SPD were made by the Planning Policy Team to reflect the comments received through the initial rounds of consultation (8<sup>th</sup> August and 23<sup>rd</sup> September 2018 and 7<sup>th</sup> January and 18<sup>th</sup> February 2019), and which further augment the tree protection, tree conservation and other related policies. The continued technical support and guidance provided within the document would help stakeholders to understand the Council's tree protection aims and objectives, and help applicants to provide the correct information and assess the right areas where tree protection and planting measures would be required, as early as possible in the planning process. This would not only save time and money, but would lead to better planning and stronger outcomes for green infrastructure.

The SPD remains split across five areas:

- First section – introduction
- Second section – context (including introduction to legislation, guidance and policy relevant to tree conservation and a brief overview of the importance and history of trees in the City)
- Third section – provides detailed information on what is required by the applicants prior to submitting a planning application on a site where trees are located.
- Fourth section – sets out the standards the Council expects to see developers/individuals/organisations meet when implementing works to and around trees.
- Fifth section – monitoring and review requirements

The report provided further information on the results of the consultation, the options considered and recommended proposal.

**RESOLVED that the Cabinet Member, having considered the consultation statement included at Appendix 2 of the report, approves a final round of public participation on the Trees & Development Guidelines SPD. The consultation is proposed to run for 6 weeks between Friday 4<sup>th</sup> October 2019 and Friday 15<sup>th</sup> November 2019.**

## 9. Outstanding Issues

There are no outstanding issues.

**10. Any other item of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved**

There were no other items of business.

(Meeting closed at 3.50 pm)

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**Public report**  
Cabinet Member

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Cabinet Member

9 December 2019

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor T Khan

**Director Approving Submission of the report:**

Deputy Chief Executive - Place

**Ward(s) affected:**

All

**Title:**

Draft Trees & Development Guidelines for Coventry: Supplementary Planning Document

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**Is this a key decision?**

No.

This draft Supplementary Planning Document (SPD) provides technical guidance which supports the adopted Local Plan.

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**Executive Summary:**

This SPD is intended to provide technical guidance and support to the Green Environment policies set out in Chapter seven of the Local Plan (2016), in particular policies GE3 and GE4. To a lesser extent, it also builds upon some of the policies included in chapters 9 (Conservation and Heritage) and 11 (Environmental Management). The Local Plan provides the framework for determining planning applications across Coventry following its adoption on the 6<sup>th</sup> December 2017. This SPD has been developed by the Council's Planning Policy team, and is intended to provide a comprehensive overview of the requirements for applicants in the planning process where trees are involved.

The SPD is structured in a sequential order for an applicant preparing a planning application submission where trees are involved. It covers supporting technical detail(s) around matters of:

- Land Surveys.
- Tree Surveys.
- Tree Constraint Plans.
- Arboricultural Method Statements.
- Capital Asset Value for Amenity Trees.

- Works to trees.
- Tree and root protection measures.
- Planting new trees.
- Accessing and moving around sites.
- Avoiding damage to trees.

**Recommendations:**

The Cabinet Member is requested to:

Consider the consultation statement included at appendix 2 and approve a final round of public participation on the Trees & Development Guidelines SPD. The consultation is proposed to run for six weeks between Monday 6 January 2020 and Monday 17 February 2020.

**List of Appendices included:**

Appendix 1 – Draft Trees & Development Guidelines for Coventry: Supplementary Planning Document and supporting appendices to the SPD.

Appendix 2 – SPD Consultation Statement.

**Background papers:**

None.

**Other useful documents:**

The Coventry Local Plan was adopted at full Council on the 5<sup>h</sup> December 2017, with adoption statements issued the following day. This SPD relates primarily to Chapter 7 of the Local Plan, which covers policies on the green environment, with reference to chapters 9 (Conservation and Heritage) and 11 (Environmental Management). The Local Plan can be viewed via the following link:

[http://www.coventry.gov.uk/downloads/file/25899/final\\_local\\_plan\\_december\\_2017](http://www.coventry.gov.uk/downloads/file/25899/final_local_plan_december_2017)

**Has it been or will it be considered by Scrutiny?**

Yes – it is planned to go before Scrutiny Board 3 meeting in Dec 2019.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

No.



**Report title: Draft Trees & Development Guidelines for Coventry: Supplementary Planning Document**

**1. Context (or background)**

- 1.1 This SPD continues to expand upon and support the green environment policies set out in Chapter seven of the Local Plan, with particular focus on policies GE3 and GE4. The changes to this SPD have been made by the Planning Policy team to reflect the comments received through the initial rounds of consultation (8th August 2018 - 23rd September 2018 and 7 January 2019 - 18 February 2019), and which further augment tree protection, tree conservation and other related policies. The continued technical support and guidance provided within the document will help all stakeholders to understand the Council's tree protection aims and objectives and help applicants to provide the correct information and assess the right areas where tree protection and planting measures will be required, as early as possible in the planning process. This will not only save time and money but will lead to better planning and stronger outcomes for green infrastructure.
- 1.2 The SPD remains split across five areas, with the first providing the introduction and the second context (introducing the legislation, guidance and policy important to tree conservation, and providing a brief overview of the importance of trees and history of trees in the city). The third area provides detailed information on what is required by applicants prior to submitting a planning application on a site where trees are located. The fourth section sets out the standards the Council expects to see developers, or any other individual/organisation, meet when implementing such works to and around trees. The fifth and final area concerns the monitoring and review requirements.
- 1.3 A previous report was taken to your Cabinet Member meeting on 24 September 2019 which agreed to consult on the draft SPD. However, before the public consultation formally commenced, legal advice was received that recommended a technical adjustment to the way ancient and veteran trees were defined in the SPD. As a result, this specific section of the SPD has been amended and is presented for your approval prior to public consultation commencing.
- 1.4 A summary of responses received to the public consultation periods are included within Appendix 2 – the Consultation Statement. The key points are also set out within section three of this report.

**2. Options considered and recommended proposal**

- 2.1 Three options have been considered in relation to this report. The first has formed the recommendations of this report and is to publish the next stage of the SPD in accordance with national Regulations. This is with a view to adopting the SPD in order to provide technical guidance and support to those submitting planning applications that involve matters of tree protection and conservation.
- 2.2 The second option is to discontinue the SPD, and not consult on this document, thus relying solely on the policies in the Local Plan. This option has not been recommended as it would place greater reliance on how applicants use the new policies which could generate greater inconsistency in evidence submitted in support of applications, and lead to resource pressure for planning officers in particular the Tree Preservation Officer who manages day to day caseloads. As such, this technical guidance is important to the correct understanding of policies within the new Local Plan (in so far as they relate to the green environment). This level of detail was not provided within the Local Plan itself

as it would have extended the complexity and length of the Plan substantially and is not considered good practice.

- 2.3 The third option involves pursuing the adoption of the SPD following the second public consultation. However, this is not advised given the likely objection from stakeholders and the need to respond to amendments in relevant guidance.

### **3. Results of consultation undertaken**

- 3.1 There have been two rounds of formal public consultation to date on the draft Trees and Development Guidelines SPD, between the dates of 8th August 2018 and 23rd September 2018 and 7 January 2019 and 18 February 2019.

- 3.2 A total of ten responses were received for both consultations via email as well as a range of informal comments and suggestions made through stakeholder meetings and consultation drop in events. A summary of the representations made and the proposed action in response to the representations as part of the second consultation are set out in Appendix 2.

- 3.3 The primary comments came from stakeholders with an interest in the protection and preservation of the green environment, especially trees. The comments focussed upon the following key aspects:

- The need to update the references to the National Planning Policy Framework (NPPF) to reflect the newly updated document issued by Government in July 2018 and February 2019 and other updated guidance issued by the Woodland Trust since the second draft version was issued;
- Clarification of the CAVAT qualifying replacement planting approach;
- Clarification of veteran and ancient tree definitions based on the 2019 NPPG revisions;
- Other minor modifications concerning clarity of wording; and
- The relevance and justification of the buffer to the existing ancient woodlands and trees.

### **4. Timetable for implementing this decision**

- 4.1 Subject to approval by the Cabinet Member, it is proposed to republish the Draft SPD alongside the consultation statement for a period of six weeks between Monday 6 January 2020 and Monday 17 February 2020.

- 4.2 This final period of public consultation will seek formal representations to the SPD. Following this round of consultation, all responses will be reviewed, and the SPD will be updated (if appropriate) for the final time. The SPD will then be presented for adoption at Cabinet at the earliest opportunity in 2020.

### **5. Comments from the Director of Finance and Corporate Services**

- 5.1 Financial implications

Unlike the Local Plan or an Area Action Plan, a SPD is not subject to public examination. It therefore does not incur the same level of costs as a higher level Plan. Any costs associated with the delivery of this SPD will be met through existing budgets attributed to the Planning Policy team.

## 5.2 Legal implications

Supplementary Planning Documents are produced under the Planning and Compulsory Purchase Act 2004 (as amended) and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This draft SPD has been produced in accordance with the relevant legislation and regulations. SPD's are subject to supporting evidence and consultation but are not publicly examined or subject to a Sustainability Appraisal. As such, their 'material weight' in planning terms is less than that of a Local Plan, Area Action Plan or other Development Plan Documents. Notwithstanding this, SPD's must be adopted by a resolution of the Local Planning Authority and are still important planning policy documents that provide technical guidance and supporting information to those submitting planning applications. A SPD does not introduce new policy, instead it builds and expands upon those set out in the higher level plan (in this case the new Local Plan) to ensure they are interpreted and delivered in the most efficient and effective way.

## 6. Other implications

None.

### 6.1 How will this contribute to achievement of the Council's Plan?

- A prosperous Coventry: The SPD will support the delivery of the Green Environment policy, and partly the Heritage and Environmental Management policies in the Local Plan. It will provide technical guidance to ensure the Plan helps deliver enhanced green infrastructure. This will help to ensure Coventry remains a physically attractive place to live and invest;
- Citizens living longer, healthier, independent lives: The SPD promotes greater understanding and appreciation of the city's green environment. A place where trees are respected can bring about health benefits in the form of mental well-being and a higher quality of life;
- Making Coventry an attractive and enjoyable place to be: The SPD will support the green environment and environmental management policies in the Local Plan. It will provide technical guidance to ensure the Plan helps promote the protection of the natural aspect of our environment. This will help to ensure Coventry's urban setting remains an attractive location to live, work and visit;
- Making places and services easily accessible: The SPD will help to facilitate the accessibility of public transport and active travel by making routes more attractive to engage with either by foot, cycle, bus or train. In other words, it will play a role in helping to make the cities transport infrastructure more user-friendly especially when walking or travelling by bike.
- Encouraging a creative, active and vibrant city: Protecting and conserving the green environment, supported through this SPD, will facilitate an improved quality of life, encouraging a mix of reasons to come to the city.
- Developing a more equal city with cohesive communities and neighbourhoods: Trees have the ability to naturalise anywhere. This SPD looks to utilise that notion to ensure that trees can have an equalising effect across the city and play a part in helping to remove the perceptions of the socio-economic standing of local residents.
- Improving the environment and tackling climate change: The successful implementation of this SPD will help seek to mitigate the impacts of development on the environment through the retention of trees and the role they play in supporting ecosystems and habitats, alongside the benefit of reducing the impact of climate change.

## 6.2 How is risk being managed?

The primary risk associated with this SPD is the length of time it will take to formally adopt the SPD, however this risk has been reduced as the document has already been taken through two rounds of consultation. Although the Draft SPD can be a material consideration from the moment it is published, its weight varies according to how far advanced it is during the preparation process and the level and type of objection that remains outstanding. As a result, the Council continues to be reliant on planning applicants to utilise the SPD at their own discretion and to their own benefit when developing planning applications. Based on the initial consideration of the affected policies of the Local Plan, and officer's engagement with planning consultants via pre-application services and informal discussions, the publication of this SPD is actively awaited and encouraged. As such we consider this risk to remain minimal.

## 6.3 What is the impact on the organisation?

No direct impact.

## 6.4 Equalities / EIA

A full Equality and Consultation Assessment (ECA) was undertaken as part of developing the Local Plan. As this SPD supports the delivery and technical interpretation of policies within the Plan no further assessment has been undertaken. As part of that analysis, the Council had due regard to its public sector equality duty under section 149 of the Equality Act (2010).

A key priority of this SPD is to support the interpretation and effectiveness of the green environment policies within the Local Plan. These policies focus on promoting greater protection to the natural environment.

## 6.5 Implications for (or impact on) climate change and the environment

Key priorities of the Green Environment policy within the Local Plan (and therefore this SPD) include the protection of trees, preservation of biodiversity and the landscape and planning for climate change. As such, this SPD seeks to influence a positive impact on the environment socially, environmentally and economically.

## 6.6 Implications for partner organisations?

None.

### Report author(s):

**Name and job title:** Ross Parker, Planning Policy Assistant and Robert Penlington, Tree Preservation Officer.

**Directorate:** Place.

**Tel and email contact:** 02476 972216 and 02476 972219

[ross.parker@coventry.gov.uk](mailto:ross.parker@coventry.gov.uk) and [robert.penlington@coventry.gov.uk](mailto:robert.penlington@coventry.gov.uk)

Enquiries should be directed to the above persons.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Usha Patel	Governance Services Officer	Place	07.11.19	08.11.19
Rob Haigh	Acting Planning Policy Manager	Place	07.11.19	07.11.19
Mark Andrews	Acting Development Manager	Place	07.11.19	24.11.19
Andrew Walster	Director, Street Scene and Regulatory Services	Place	07.11.19	26.11.19
Tracy Miller	Strategic Lead Planning and Regulatory Services	Place	07.11.19	08.11.19
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Cath Crosby	Lead Accountant, Business Partnering, Place	Place	07.11.19	18.11.2019
Legal: Clara Thomson	Planning and Highways Lawyer (Place)	Place	07.11.19	12.11.2019
Members: Councillor T Khan	Cabinet Member for Housing and Communities	Place		

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[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

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# Trees & Development Guidelines for Coventry

Draft Supplementary Planning Document  
December 2019



*“The tree which moves some to tears of joy is in the eyes of others only a green thing  
that stands in the way”*

Letter to Revd. Dr. Trusler; William Blake, 1799

*“There is little in the architecture of a city that is more beautifully designed than a  
tree”*

Jaime Lerner, Architect and Urban Planner –  
Mayor of Curitiba (1971-1974, 1979-1983, 1989-1992)



## **Abbreviations**

**AIA** – Arboricultural Impact Assessment

**AMS** – Arboricultural Method Statement

**BS** – British Standard

**CAVAT** – Capital Assessment Value for Amenity Trees

**CEZ** – Construction Exclusion Zone

**LPA** – Local Planning Authority

**LTOA** – London Tree Officer's Association

**NATO** – National Association of Tree Officers

**NHBC** – National House Building Council

**NPPF** – National Planning Policy Framework

**PPG** – Planning Practice Guidance

**RPA** – Root Protection Area

**SMS** – Site Monitoring Sheet

**SPD** – Supplementary Planning Document

**TCP** – Tree Constraints Plan

**TPM** – Tree Protection Measures

**TPO** – Tree Preservation Order

**TPP** – Tree Protection Plan

## Introduction

### Purpose

- 1.1. Trees are a significant and highly visual component in the landscape, and as public awareness of environmental issues becomes more influential, there is an increasing need to focus attention on trees and their role in providing not only a pleasant environment, but their value to biodiversity and mitigating the adverse impacts of climate change.
- 1.2. This draft Supplementary Planning Document (SPD) allows Coventry City Council to respond to these sentiments and build upon the policies included in the Coventry Local Plan 2016 (hereby referred to as the Local Plan) when and where it relates to trees in Coventry, and the preservation and protection of trees during new development, and on existing sites. More generally, it describes and explains how the Council will interpret and apply the relevant sections of Planning Practice Guidance (PPG), and the National Planning Policy Framework (NPPF).
- 1.3. Furthermore, it will help to inform developers, land-owners, agents, architects, planning consultants, landscape architects, arboriculturists, contractors and other interested parties of the standards that the Council expects from new development proposals with regard to existing trees. It seeks to ensure that important trees are afforded due consideration in the planning process, so that they can be effectively integrated into new developments.
- 1.4. This document provides a comprehensive guide to the planning system, and the preservation and protection of trees during development in Coventry. For this reason, the intention of this document is to lead to an improved approach to the retention and planting of trees; thus making an important contribution to sustainable development in the city.
- 1.5. The structure of this document has been set out to follow the logical sequences by which development matters are generally processed; i.e. site surveys, development planning and organisation, obtaining planning permission and subsequent implementation; as identified in BS 5837:2012 - *Trees in Relation to Design, Demolition and Construction*<sup>1</sup>.

### Aims & Objectives

- 1.6. The Council is committed to ensuring that development proposals provide positive environmental benefits; including promoting the benefits of trees throughout the city, and thus encouraging sustainable management of the city's trees and enhancing the quality of their tree cover. This will be achieved in the first instance through negotiation, or if necessary by using council planning powers.
- 1.7. The necessity for an organised, methodical, coordinated and standard approach to ensure the effective integration of trees into new development is formalised within BS

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<sup>1</sup> Permission to reproduce extracts from British Standards is granted by BSI Standards Limited (BSI). No other use of this material is permitted. British Standards can be obtained in PDF or hard copy formats from the BSI online shop: [www.bsigroup.com/Shop](http://www.bsigroup.com/Shop)

5837:2012. It is considered as the national standard for the approach to tree protection.

- 1.8. It is intended that this document will help to facilitate a quality, systematic approach to the retention and planting of trees, by explaining the approach to tree and development issues that will be required by the Council to comply with its own planning policies as established and adopted in the Local Plan.
- 1.9. For these reasons, this document is underpinned by the following aims:
  - To provide details around the tree related Local Plan policies (most notably Policies GE3, GE4 and HE2).
  - Aid the process of determining planning applications where trees are concerned.
  - Assist in the arboricultural management practices of parks, garden and city trees.
  - Provide advice about trees in Coventry.
  - Guide development to meet and exceed best-practice examples and proven standards.
- 1.10. The following guidelines set out the procedures and design criteria necessary to ensure the successful integration of existing trees, and the planting of new trees, into development proposals. Compliance with these will ensure that sufficient information is submitted to enable the Council to assess the full long- term effect and impact of any new development and avoid unnecessary delays in the decision-making process.



### **Bannerbrook Park**

Existing mature trees successfully integrated into new residential development by careful consideration and protection throughout the survey, design and construction stages.



## Context

### The Importance of Trees

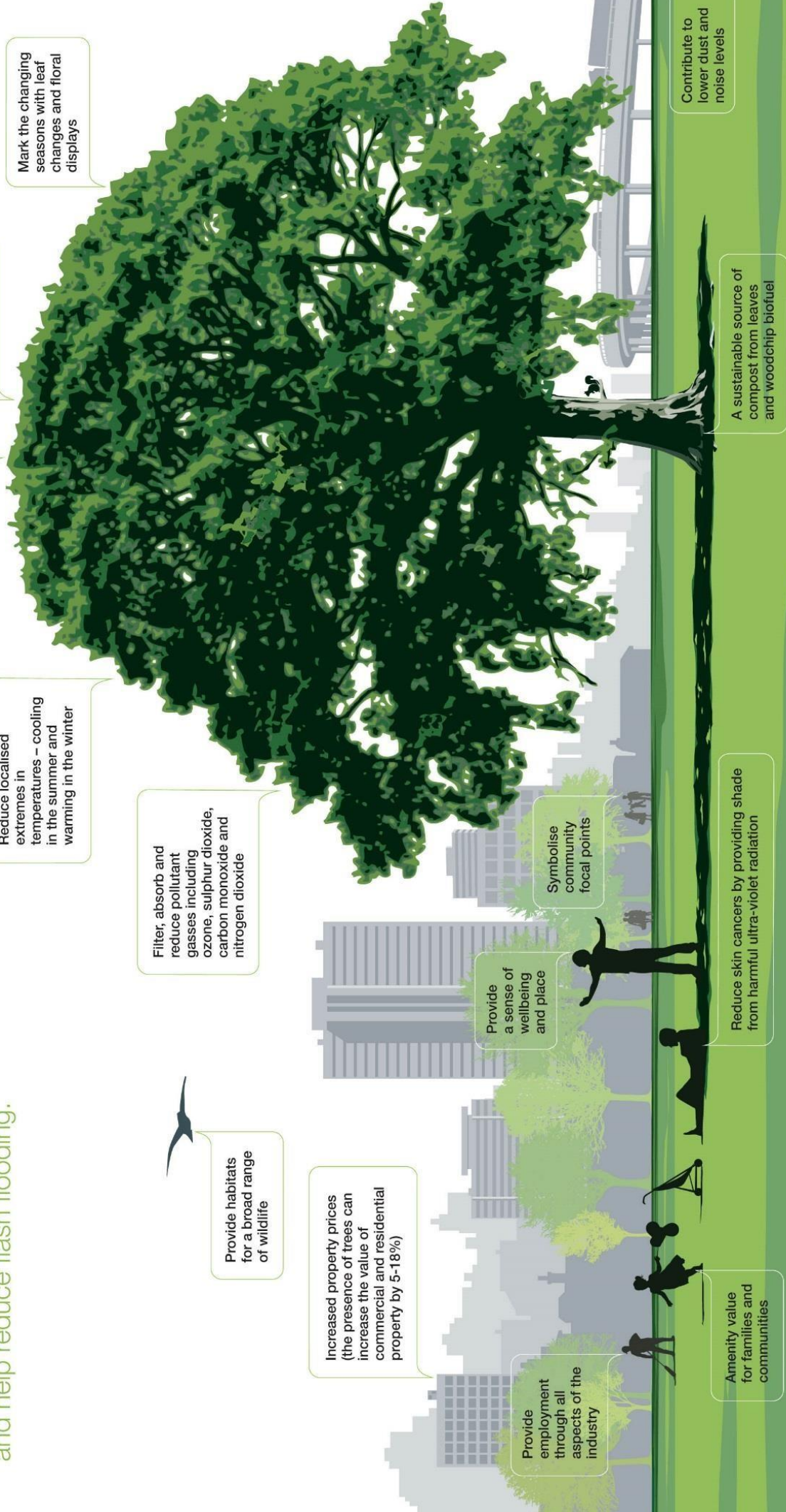
- 2.1. Trees are of fundamental importance to the landscape and are widely appreciated for enhancing the urban and rural environment. They make a positive contribution to the scenic character and diversity of the landscape and built environment. Furthermore, their role in sustaining and enhancing biodiversity is vital as their physical structure is crucial to vast amounts of life, primarily by providing shelter and nutrients.
- 2.2. In addition, trees play an essential role in mitigating the adverse impacts of climate change by absorbing carbon dioxide and other pollutant gasses and producing oxygen. By reducing localised extremes in temperatures, trees can also lower energy consumption and costs for heating in winter, and air conditioning in summer.
- 2.3. In a planning and development context, the retention of trees provides an immediate sense of maturity which benefits sites and their surroundings; helping to raise the overall quality of schemes and support enhanced property values. However, where trees are damaged and subsequently decline and die, or where inappropriate design leads to conflict, trees can become a source of complaint and ultimately, any positive benefits are lost.

### History of Trees in Coventry

- 2.4. The area where Coventry now stands was once covered by the Arden Forest. Large areas of the Forest were cleared for agriculture during the Bronze Age and subsequent Roman occupation. The Forest may have grown back to some extent after the Romans left, but it is also possible that the Roman and medieval landscape character were broadly similar anyway i.e. a mosaic of enclosed and unenclosed pasture, inter-mixed with woodland.
- 2.5. This ancient landscape now exists mainly only in the north west of the city in Coventry's Ancient Arden Historic Landscape Area. However, remnants of the hedges and hedgerow Oaks still remain scattered throughout the urban area. Medieval Oak woodlands have survived quite well on the west and south-west of Coventry, and these and are also frequently associated with archaeological interest.
- 2.6. Many of the grandest trees remaining in Coventry originate from the Victorian period. They are the result of designed landscapes during a wealthy period in the city's history. Traders in the 19<sup>th</sup> Century built homes with large gardens planted with fashionable trees of the time, including mixed groups of non-native conifers such as Cedars and Redwoods. The tree which has safely remained as the oldest tree within the inner-City is the historic Mulberry tree which was originally located within a Spon Street Victorian Watchmaker's garden. It can now be found to the rear of this property (21 Spon Street), within the curtilage of Croft Road car park. Many of these large houses have since been converted into schools, nursing homes etc., yet the trees have been relatively well preserved.

# Why trees are good for us

Trees are an important part of our lives and have many hidden benefits that are not always obvious. For example, trees reduce skin cancers and help reduce flash flooding.



- 2.7. 'Spinney', on the south of the city, evolved from waste land and was formalised by the Victorians. It combines with a double Oak avenue, planted about 220 years ago along the Kenilworth Road, to form one of the finest assets of Coventry in arboricultural terms, providing a very attractive and grand entrance into the city from the South. This is incorporated into the Kenilworth Road Conservation Area.
- 2.8. Sir Joseph Paxton, who established the first major arboretum in the country at Chatsworth, also created a fine arboretum in Coventry as part of his design for the London Road Cemetery. Many of the originally planted trees remain today. These include an avenue of unique high-grafted Candelabra Weeping Silver Limes, high-grafted Narrow Leaved Ash, and a selection of introduced exotic coniferous trees from around the world. The design of the cemetery carries the prestigious award of Grade 1 listed Parks and Gardens, by Historic England.
- 2.9. Other mature trees from the 20<sup>th</sup> Century mainly relate to municipal planting such as the London Plane avenue along Holyhead Road, and Limes planted as street trees in areas such as the Butts. Unfortunately however, during the 1970s, along with the rest of the country, Coventry lost thousands of Elm trees through civic felling programmes. Climate change brings new threats of pests and disease to our trees including Phytophthora, Oak Processionary Moth, and Ash Dieback amongst others.



*Top row: Victorian Planting at Coundon Court School.*

*Bottom left: Cadelabra Weeping Silver Lime.*

*Bottom right: Arboretum at London Road Cemetery.*

### Legislation, Guidance and Policy

- 2.10. The Council will take account of adopted local plan policies, relevant supplementary planning statements and documents, and the most up-to-date legislation, government advice and recommendations (as issued through the NPPF and PPG).
- 2.11. This document is informed by, and must conform to, those relevant pieces of legislation, guidance and policy issued by government. They are set out below.
- 2.12. The Town and Country Planning Act 1990 (Part VIII, Section 197)<sup>2</sup> recognises the importance of trees and charges local planning authorities with a specific 'duty' in relation to their preservation and planting. Subsequent sections (up to and including Section 214) provide the powers and details surrounding Tree Preservation Orders (TPO), and Trees in Conservation Areas.
- 2.13. At present – in terms of statutory tree protection – there are over 460 TPO's, covering approximately 4500 trees, whilst there are also 16 Conservation Areas in Coventry covering many more. In the interests of transparency, the Council's evaluation method for TPO assessment, and its making and serving procedure are included in Appendix 1 and 2.
- 2.14. The Hedgerow Regulations 1997 (SI 1997/1160)<sup>3</sup>, implemented under Section 97 of The Environment Act 1995, require Local Planning Authorities, in determining planning applications, to consider the effects of proposed developments on 'important' hedgerows. Specifically it was created to protect rural hedgerows which are at least 30 years old, or play a significant role in archaeology/history of an area.
- 2.15. The Natural Environment and Communities Act 2006<sup>4</sup> provides that any public body or statutory undertaking in England and Wales must have regard to conserving, enhancing, restoring and/or protecting biological diversity in the execution of its functions.
- 2.16. National Planning Policy Framework (NPPF)<sup>5</sup> and Planning Practice Guidance (PPG)<sup>6</sup> set out the government requirements for the planning system, this includes ancient woodlands and veteran trees.
- 2.17. The NPPF was updated in July 2018 and sets out the UK Government's planning policies for England and how these are expected to be applied. Of particular relevance to this document are paragraphs 170, 171, 175, 180 and 181. Within these sections, it is made explicitly clear that the planning system and the decision-making process in

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<sup>2</sup> Part VIII of the Act can be found using the following hyperlink:  
<https://www.legislation.gov.uk/ukpga/1990/8/part/VIII>

<sup>3</sup> The entire regulations can be found using the following hyperlink:  
<http://www.legislation.gov.uk/uksi/1997/1160/contents/made>

<sup>4</sup> The entire Act can be found using the following hyperlink:  
<https://www.legislation.gov.uk/ukpga/2006/16/contents>

<sup>5</sup> The NPPF can be found using the following hyperlink:  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>6</sup> PPG can be found using the following hyperlink:  
<https://www.gov.uk/government/collections/planning-practice-guidance>



relation to planning applications must protect and minimise the impact upon ecological networks on a broad level, whilst also enhancing the local natural environment.

- 2.18. Trees are given specific protection through paragraph 170(b) and 175(c). On a general level, ancient woodland is considered to be an “irreplaceable habitat”, and thus emphasising the significant importance attached to these areas. Furthermore, Ancient and Veteran trees and Ancient Woodland are now specifically protected under the notion of; “presumption in favour of sustainable development”, therefore, development that involves the loss of Ancient and/or Veteran trees or Ancient Woodland should be refused. In addition, all benefits of trees and woodland (including economic) should be protected and enhanced, even on the scale of simply recognising the beauty and character that natural capital provides.
- 2.19. The important role that trees play in the maintenance and improvement of air quality alongside noise and visual damping/buffering qualifies them for protection through paragraphs 180 and 181 amongst others.
- 2.20. Further detail including a suite of information underpinning the NPPF is available in the form of PPG. Ancient woodland, ancient trees and veteran trees: protecting them from development (Rev 5-11-18) The PPG is continuously updated and provides further details to the NPPF. It is regularly updated in line with changes to government policy and legislation. The most significant chapters concerning trees are; ‘*Natural environment*’, ‘*Tree Preservation Orders and trees in conservation areas*’, ‘*Air quality*’ and ‘*Ancient woodland, ancient trees and veteran trees*’. Within them there are strong references to the safeguarding of Ancient Woodlands and Ancient and Veteran Trees. For this reason the Council will consult with the Forestry Commission and Natural England to seek their advice and assistance when appropriate.

#### Defining Ancient and Veteran Trees

- 2.21. It is acknowledged that in defining ancient and veteran trees, the NPPF takes primacy and the associated PPG should be read alongside it. The definition of Ancient and Veteran Trees is set out in Annex 2 – Glossary of the NPPF. The key features of both types of tree include the aspects of exceptional relating biodiversity, culture and heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage. The NPPF definition of an ancient and veteran tree states: “*A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage*”. Key word being: relative/ proportional. This definition of Veteran is similar to that of BS5837 :2012 and BS3998 for Tree work: 2010 which recommends that a Veteran tree a tree that by recognized criteria shows features of biological, cultural aesthetic value that are characterised of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned. Noting that these characteristics might typically include a large girth, signs of crown retrenchment and hollowing of the stem<sup>7</sup>.
- 2.22. An appropriate model which illustrates the 10 developmental life stages of a tree, is the Pierre Raimbault’s model where full maturity is illustrated at phase 7. Therefore,

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<sup>7</sup> <https://shop.bsigroup.com/ProductDetail/?pid=00000000030213642>

the majority of and the greater population of *other trees of the same species* are younger and smaller than a tree at mature age class, with very few trees of any species reaching the ancient life-stage.

- 2.23. Also included in Annex 2 – Glossary of the NPPF is the starting point for defining Ancient Woodland. The Council recognises the importance of an existing continual historic record since 1600 when determining when an Ancient Woodland is present.
- 2.24. In addition to the NPPF, PPG adds more detail to the unique defining features of a Veteran tree and also of an Ancient tree and also Ancient Woodland. Ancient Woodland is identified by its irreplaceability based upon its wildlife, soil, wood pasture, historical, cultural and/or landscape value(s).
- 2.25. Paragraph 175 (part c) of the NPPF and paragraph 009 of PPG ‘Natural environments’<sup>8</sup>, identifies that both Ancient Woodland and Ancient/Veteran Trees are “*irreplaceable habitats*”. As such, it is very difficult to undervalue the importance that these types of trees should be afforded. The NPPF further highlights the significance of conserving, restoring and enhancing; priority habitats, priority species, ecological networks and biodiversity (paragraph 174, part b) which PPG states are likely to be found in veteran tree environments. This must include appropriate mitigation measures and adoption of an appropriate ‘buffer zone’ to reduce such harm (paragraph 175, part a). Therefore, another key feature of Ancient or Veteran Trees and Woodland notes how they support important ecological features such as valuable and high-quality biodiversity, and in some cases species and habitats which may be of priority or threatened either on a local or national scale. It is important to conserve, restore and enhance these networks and biodiversity through the adoption of an appropriate buffer zone. Ancient Trees are in the ancient stage(s) of life, whereas veteran trees may not be very old – but exhibit decay features. Trees may become veteran because of their age, size or condition, but not all three of these characteristics are required to be present. Please see appendix 4 with regards to the level of specialist ecological survey information required, with examples of impacts of Indirect Damage upon an Ancient Woodland as a whole and upon its ecology for the requirement of adequate buffers depths.
- 2.26. Natural England (NE) define the term Veteran more in line with PPG, BS 5837 and BS3998. The NE Specialist Survey Method is the industries survey method for the collection and monitoring of a tree’s wildlife and ecological features and other qualities over a period of time, where scores values and sets out individual 25-30 year Veteran tree management plans in order to prolong the Veteran trees safe life spans, such as the work the Council have achieved at Coombe Country Park (see the Council’s Tree Strategy).
- 2.27. As noted within paragraph 031 of PPG ‘Natural environments’<sup>7</sup>, in the first instance, identifying Ancient Woodland can be achieved by utilising the Ancient Woodlands Inventory<sup>9</sup>. Although continually updated, this dataset only includes woodland that exceeds 2Ha. Furthermore, many ‘wood pastures’ and ‘historic parkland’ are not recorded because of their low tree density not registering as woodland on historic maps. As such any spatial or density criteria is not required for either Ancient/Veteran

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<sup>8</sup> <https://www.gov.uk/guidance/natural-environment>

<sup>9</sup> <https://naturalengland-defra.opendata.arcgis.com/datasets/ancient-woodlands-england>

Trees or Ancient Woodland due to the fact that all such trees/woodland are important, regardless of spatial extent and concentration.

- 2.28. It is also important to be aware that there exist no conditional aspects to Ancient Woodland definition according to PPG (paragraph 033). In other words, Ancient Woodland can be of low quality or in poor health. Protection and subsequent enhancement through good and proper management can improve their quality and health. The Council will not define Ancient Woodland and/or Ancient/Veteran Trees by using quality or health indicators, or any minimum trunk diameter. A site which contains Veteran and/or Ancient trees will need to have such trees assessed under a specialist veteran tree survey method such as Natural England's Specialist Survey Method levels 1-6, which undertakes a detailed record of a complex list of wildlife features of a Veteran and/or Ancient tree, and requires a 25-30 year Veteran Tree Management Plan.
- 2.29. The Woodland Trust and Ancient Tree Forum provides an alternative definition of both an Ancient Tree and a Veteran Tree to the NPPF but still in line with the PPG. The key points to note from the Woodland Trust is that an Ancient Tree has passed through maturity and is old in comparison with other trees of the same species. Whereas Veteran Trees are delineated irrespectively of their chronological age, but rather through their marked ancient characteristics which offer habitat and forage to local wildlife and ecology. The Woodland Trust's Ancient tree guide 4, defines an Ancient tree as one that has passed beyond maturity and is old, or aged, in comparison with other trees of the same species. Its canopy may be small. It will probably have a very wide trunk relative to other trees of the same species. Veteran is a term describing a tree with habitat features such as wounds or decay. The terms ancient and veteran have been used interchangeably in the past, however, it is important to know what the differences between them. A veteran tree is a survivor that has developed some of the features found on an ancient tree, not necessarily as a consequence of time, but of its life or environment. Ancient veterans are ancient trees, not all veterans are old enough to be ancient. A veteran may be a young tree with a relatively small girth in contrast to an ancient tree, but bearing the 'scars' of age such as decay in the trunk, branches or roots, fungal fruiting bodies, or dead wood. These veteran features will still provide wildlife habitat. Guidance from the Ancient Tree Forum and the Woodland Trust also states that a dead tree can provide benefits for wildlife and ecology as veteran or ancient. A dead tree could not thus be positively included within a BS 5837 survey, but it could be included in an ecological or habitat report for planning purposes.
- 2.30. The Woodland Trust<sup>10</sup> provides a short definition of an Ancient Woodland. It emphasises the importance of a continual historic record of wooded areas since at least 1600CE.
- 2.31. The definition provided by the Forestry Commission and Natural England<sup>11</sup> for Ancient Trees and Veteran Trees note how they can be individual or groups of trees, often found alongside Ancient Woodlands which are of exceptional value based on their irreplaceability.

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<sup>10</sup> <https://www.woodlandtrust.org.uk/publications/2008/11/what-are-ancient-veteran-and-trees-of-special-interest/>

<sup>11</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

- 2.32. VETree<sup>12</sup> (Vocational Education and Training on Veteran Trees) makes the point that Veteran Trees do not need to be of large chronological age, and can be quite ‘young’.

#### The Recognition of Veteran Trees

- 2.33. Natural England offer a definition on veteran trees taken from their Veteran Trees Initiative Specialist Survey Method. This is the only complex method for collecting veteran tree habitat features and the following is an extract from levels 1-3:

- 2.34. Veteran status is associated with late maturity. However, trees of different species approach late maturity at different ages. Although there is no precise definition of veteran status for the purposes of field work, knowledge of species longevity, size typically associated with old age and local conditions affecting tree growth contributes to the recognition of veteran trees in the field. Their special quality in the landscape is reflected in the view that these trees “are of interest biologically, aesthetically, or culturally because of their age” (see 'Guide to the care of ancient trees', Veteran Trees Initiative, English Nature 1996).

- 2.35. Apart from obvious veteran candidates of massive scale and known antiquity, the surveyor is often likely to encounter uncertainty in the field as to the veteran status of certain trees. In such instances, reference should be made to the range of veteran attributes indicating habitat and associated flora and fauna addressed on the recording form, rather than tree size alone. If in doubt record the tree.

- 2.36. The Council accepts the most recent PPG definitions of the difference between an Ancient tree and a Veteran tree as being complimentary to the NPPF definition but that the NPPF has primacy. Planning Practice Guidance (Natural Environment pages 21<sup>st</sup> July 2019), Ancient & Veteran Trees:

*“Ancient trees are trees in the ancient stage of their life. Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species.”*

**PPG Paragraph: 032.** <https://www.gov.uk/guidance/natural-environment>

- 2.37. On balance, the Councils preferred approach is the definition of the PPG above but the Council does recognise that the NPPF does take primacy.

#### Ancient Woodland Buffers

- 2.38. The current national guidance at the time for minimum buffer depths will be assessed to be provided and maintained for Ancient Woodlands when proposals come forward; including at the construction phase. This SPD responds to take national guidance and focuses on how the Council will implement this ‘minimum buffer’ approach dependent upon the type and scale of development.

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<sup>12</sup> <https://vetree.eu/en/page/98/Veteran+tree+definition>

- 2.39. The National Practice Guidance issued by the Forestry Commission and Natural England 'Ancient woodland and veteran trees: protecting them from development' currently recommends that they require a Root Protection Area (RPA) *buffer* radius equivalent to x15 times their trunk diameter rather than the x12 trunk diameter given by BS 5837:2012, or 5m from the edge of its canopy, whichever is the greater.
- 2.40. It is the Council's view that there is no 'one size fits all' approach to buffer design, or in respect of Ancient Semi-natural Woodland, Ancient Trees & Veteran Trees which is backed up by recent research<sup>13</sup>. Each proposal should be designed to fulfil the sensitivity of species and woodland specific requirements of its location and the type of scale of development proposed plus type and scale of likely direct and indirect damage. Nevertheless, the minimum buffer of an Ancient Woodland should be the minimum recommended buffer to the PPG at the time. As a precautionary principle, the Council will apply this most recent (national) minimum buffer as the starting point for assessing and maintaining buffer zones in relation to development proposals.
- 2.41. The preferred design approach for a buffer is to create an open corridor adjacent to the woodland edge in order to maintain accustomed light through the woodland edge for ground and aerial fauna and flora, and to maintain bat foraging routes, ideally of 5-10m depth. The outer buffer would preferably be made up of native shrub layer and small species native trees which are appropriate for the area, to provide for new habitat including native woodland, around existing Ancient Woodland. This will help reverse the historic fragmentation of this unique habitat. The consequent increase in ecological connectivity between areas of Ancient woodland will create the resilient landscapes recommended in DEFRA's 'Making Space for Nature'. To this extent, the Council are conscious of guidance from the Woodland Trust with recommendations for buffer zones in excess of 50m.
- 2.42. It is important to appreciate that a woodland as we see it today, is just one snapshot of time and how it has developed within the past 11.000yrs. We need to recognise that it will change again in the future as it has in the past, and we must allow nature to take its course without interruption, for new trees to naturally grow and where others die. Such new trees of the future may grow to be of champion sized girths and crown dimensions in locations where we today see only small trees or currently no trees present.
- 2.43. Therefore, each proposal will be managed and considered on its own merits. The Council will work with applicants to determine any additional buffer requirements over and above a statutory minimum. This will have regard to the following key points which should all be robustly assessed by the applicant at the point of submitting a planning application. These include the following:
- Impact upon Root Protection Areas;
  - Impact upon Ecology;
  - Assessment of buffer(s);
  - Impact of animal predation
  - Impact of light pollution; and
  - Risks to woodland and buffer areas through pedestrian trampling.

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<sup>13</sup> Andrews, L Pearson, J McGill & J Mullholland (2019) Introducing the "Derived Root-system Radius" Arboricultural Journal, 41:3.

- 2.44. Just as important are the heritage policies of the local plan; HE1, HE2 and HE3. Of particular worth to tree protection is policy HE2 which sets out how the Council will sustain the historic character and local distinctiveness of areas recognised to contain special historic, landscape and/or townscape significance. It is acknowledged that trees play a fundamental part of these significances and therefore are afforded a high level of protection as a result. Indeed, trees located within Conservation Areas are automatically protected to the equivalent level of a TPO.
- 2.45. Furthermore, the Local Plan makes consideration to planning for climate change through policy EM1. It has been established that adaption to, and prevention of, climate change impacts can partly be met through the appropriate application of green infrastructure. This includes the retention and planting of trees as tools for; urban cooling, shading, flood risk management and ecological sustainability.
- 2.46. Should exceptional circumstances be proven, and it is considered that the benefits of conserving any trees is outweighed by the benefits of development, then compensatory provisions will be mandatory. This could be in the form of replacement trees as close as possible to the proposed development, or alternatively the Council will request a financial contribution from the developer; a sum equivalent to the value of the removed tree(s). This valuation should be calculated using an appropriate assessment agreed with the Council. The Council recommends employing the CAVAT approach. Please refer to paragraph 3.16-3.25 of this SPD for details on this methodology.

## Planning for Trees Pre-Development

- 3.1. The format of the rest of this document has been set out to follow the logical sequences by which development matters are generally processed; i.e. site surveys, development planning and organisation, obtaining planning permission and subsequent implementation; as identified in BS 5837:2012.
- 3.2. Existing trees on development sites are particularly vulnerable to damage during the construction process. Careful planning is essential to achieve a functionally effective, sympathetic development, whilst at the same time ensuring the long-term retention of trees. The starting point to producing a successful design that achieves this is the gathering of information, particularly from carrying out a thorough and comprehensive site survey, both topographical and arboricultural.



### Land Surveys

- 3.3. A Land Survey should show all existing features in and around the site, detailing the accurate locations of all vegetation (trees, hedges and shrub masses), structures, old buildings, watercourses, ponds, ditches, services, service runs, roads, driveways, walls and any areas of nature conservation interest.

- 3.4. A detailed levels survey should be incorporated showing existing contours or spot heights throughout the site. Levels information is very important in order to ensure that existing ground levels are maintained around retained trees.
- 3.5. Land surveys will be expected to meet the requirements of Section 4.2 of BS 5837:2012 and should follow the standard drawing conventions within BS 1192:2007. For the avoidance of doubt, should the land survey not meet the requirements set out above, the application would either; not be validated, refused, or advised to be withdrawn.

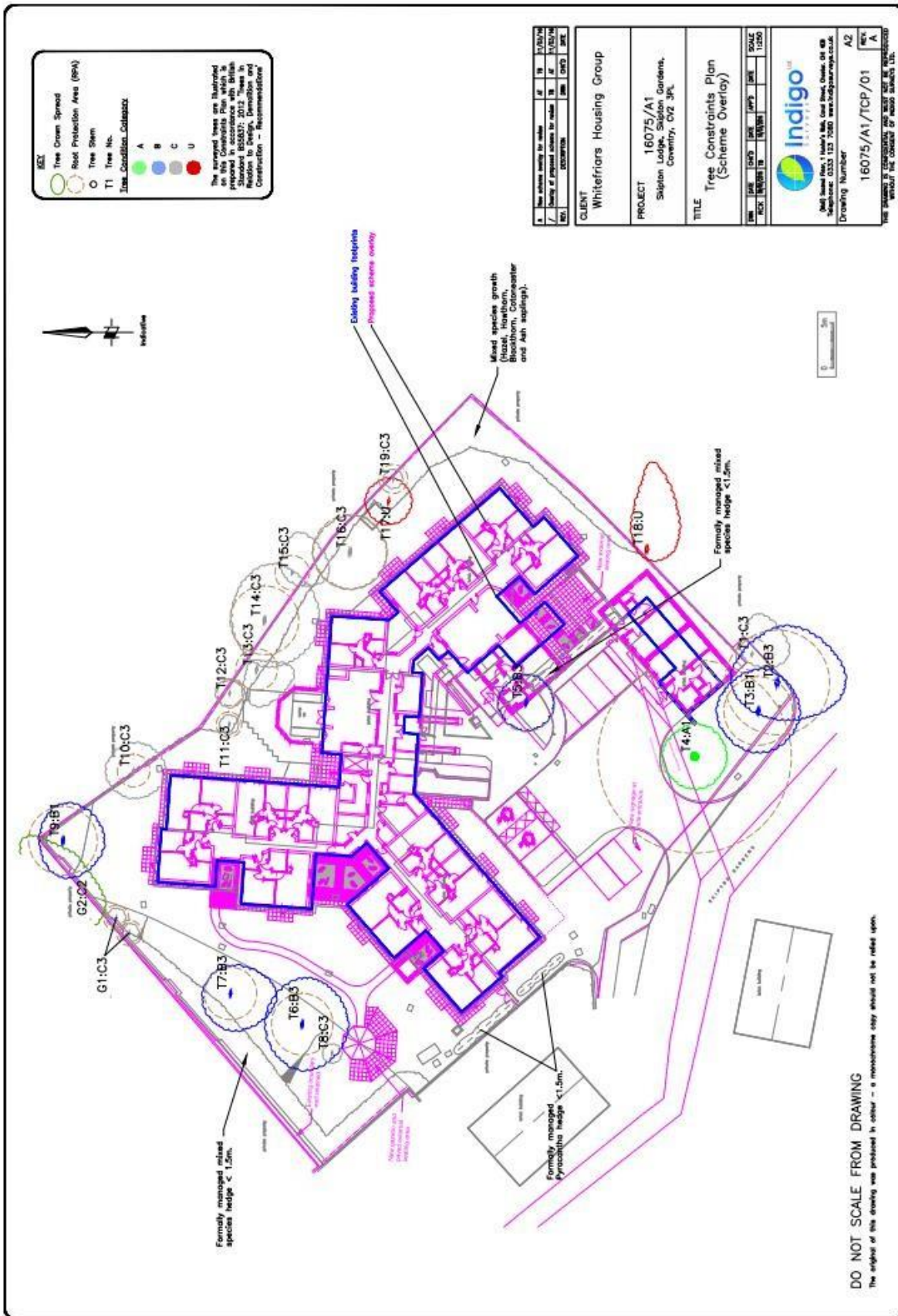
### Tree Surveys

- 3.6. The majority of planning applications involve development proposals on sites which contain, or are in close proximity to, existing trees. In such cases, the Council will normally require the submission of a detailed Tree Survey produced in accordance with Section 4.4, 4.5 and 4.6 of BS 5837:2012, in conjunction with the aforementioned Land Survey.
- 3.7. Tree surveys should plot the accurate locations of all existing trees and should detail the following information, in accordance with Section 4.4[.2.5] of BS 5837:2012 in plan or tabular form:
  - a) Reference Number – for each specific individual tree.
  - b) Species – common and scientific names.
  - c) Height (m) – from ground to top.
  - d) Stem Diameter (mm) – measured at 1.5m above adjacent ground level (on sloping ground to be taken on the upslope side of the tree base) or immediately above the roof flare for multi-stemmed trees.
  - e) Branch Spread – taken at the four cardinal (compass) points to derive an accurate representation of the crown.
  - f) Height (m) – of crown clearance above adjacent ground level (to inform on ground clearance, crown stem ratio and shading).
  - g) Age Class – for example; young, middle aged, mature, over-mature, veteran.
  - h) Physiological Condition – for example; good, fair, poor, dead & Structural Condition – for example; collapsing. Presence of any decay or physical defect along with any Preliminary Management Recommendations including further investigation of suspected defects and potential wildlife habitats.
  - i) Estimated Remaining Contribution (years) – for example; less than 10, 10-20, 20-40, greater than 40.
  - j) Tree Quality Assessment – (see table 1 of BS 5837:2012) to be recorded in plan on the tree survey drawing. This should also include sub-categories: 1 – mainly arboricultural value(s), 2 – mainly landscape value(s), 3 – mainly wildlife value(s).
- 3.8. It is important to note that Tree Surveys must be prepared by professionally qualified and experienced arboricultural consultants and should be available before any detailed design decisions are made in relation to the development proposals.
- 3.9. Where hedgerows or lengths of hedgerow are to be removed to facilitate developments, sufficient information should be submitted to allow the Local Planning Authority (LPA) to:
  - Assess whether the proposed removals fall within the scope of the Hedgerow Regulations 1997.

- Assess whether the hedgerows to be removed are 'important' by virtue of the Hedgerow Regulations 1997.
- 3.10. Where development proposals abut woodland, *normally* only the woodland edge trees will need surveying. Where development is proposed within a woodland, all the trees will need to be surveyed.
- 3.11. Trees on some sites may form the basis of locally important wildlife habitats or enhance other adjoining valuable habitats. In such cases, qualified ecological advice should be obtained and where appropriate, an evaluation report added to the survey information.

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Best-practice example of a Tree Survey Schedule. Reproduced with kind permission from Indigo Surveys Ltd.

### Tree Constraints Plan

- 3.12. The Tree Constraints Plan (TCP) is an essential tool to help the design team plan the development, whilst retaining 'important' trees. It shows the 'above and below ground constraints' from existing trees that need to be considered. It must include:
- Below ground constraints; the Root Protection Area (RPA) around each tree or group of trees and hedges, which should be determined by reference to Section 5 of BS 5837:2012. Please refer to paragraphs 4.22 to 4.31 of this document for further details concerning RPA's.
  - Above ground constraints; the current and ultimate height and spread of Category A, B and C trees, where this would cause unreasonable obstruction of sunlight/daylight to the development. The extent of shadowing should be shown also be superimposed upon the proposed layout plan. This can be calculated using proprietary software, but in practice, can be represented by a segment with a radius from the centre of the stem equal to the height of the tree drawn from due North West to due East to indicate the shadow pattern during the main part of the day.
- 3.13. The current and ultimate height and spread of a tree are also constraints due to size, dominance and movement in strong winds, and should be taken into consideration as a constraint at the design stage.

### Arboricultural Method Statement

- 3.14. The submission and approval of a detailed Arboricultural Method Statement (AMS) will generally be required as part of a tree protection planning condition and will be expected to address the following:
- Timing and phasing of all arboricultural works in relation to the proposed development.
  - Implementation, monitoring, supervision and maintenance of the TPS.
  - Implementation, monitoring, supervision and maintenance of the tree work specification/schedule/scheme.
  - Provision for regular monitoring of ongoing development operations to ensure full compliance with the approved TPS and AMS for the duration of the development.
  - The setting up of an agreed framework for maintaining appropriate levels of communication between all involved parties.
  - Provision for qualified arboricultural supervision.
- 3.15. Planning conditions and/or legal agreements will be attached to planning permissions to ensure full compliance with the approved AMS. Failure to comply with the terms of the approved AMS or any other conditions or legal agreement imposed upon a planning consent, or any other action which results in the loss of or damage to trees or hedgerows which have been specified for retention, may result in enforcement proceedings. Or where appropriate, prosecution under the relevant sections of the Town and Country Planning Act 1990; Town and Country Planning (Trees) Regulations 1999 (as amended), Town and Country Planning (Trees in Conservation Areas) Regulations 1975 (as amended), Hedgerow Regulations 1997, and the Town and Country Planning (Tree Preservation) Regulations 2012; and their subsequent revisions.

### Capital Asset Value for Amenity Trees

- 3.16. Capital Asset Value for Amenity Trees (CAVAT) is a UK developed approach to express the amenity value of trees in terms of cost for equivalent replacement. This is the popular method within the arboricultural industry for managing trees as public assets. Furthermore, the functional value of the tree factors in the local population density to represent its role in the amelioration of a particular locality.
- 3.17. This approach is intended particularly for councils and other public authorities and primarily for publicly owned trees. However, it may be used by other public bodies (including the courts), private institutions and individuals to assess other components of an areas stock. This is because the Town and Country Planning Act 1990 (sections 198 & 199) establishes that trees have value as a public amenity and that local planning authorities have a duty to act to protect trees in the public interest. It is therefore of particular value to trees benefiting from a TPO or that meet the criteria for such an order.
- 3.18. The system is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but can be applied to both individual and groups of trees; as well as healthy and damaged trees (Directly and Indirectly) or trees which are accused of damaging property.
- 3.19. In the case of damaged or destroyed trees, a compensatory value is calculated; in the case of damaging trees, trees are ranked to set the required levels of evidence as part of the Joint Mitigation Protocol. In all circumstances where the value of a single tree needs to be expressed in monetary terms, it is beneficial.
- 3.20. CAVAT sets out to assess the monetary value of a tree by calculating a unit value for each square centimeter of tree stem based on the average tree cost and using that figure to produce an average cost for each centimeter of trunk diameter. For the purposes of assessing the monetary value of the tree(s), they must be considered as individuals using the Full Method (detailed below). For information, the Community Tree Index (CTI) factor for Coventry is calculated to be 125% for its population density, as sourced from Office of National Statistics<sup>14</sup>.
- 3.21. The full method involves seven steps, and sets of key variables:
- Basic value/unit value of tree size.
  - CTI value/location, in terms of population density.
  - Location value, based on a tree's visibility from public vantage points and the tree's public accessibility.
  - Functional crown value/structural value – part 1.
  - Functional crown value/structural value – part 2.
  - Amenity value/positive and negative factors.
  - Full value/life expectancy of tree.
- 3.22. The full method is used in situations when a more detailed and precise assessment of the value of trees as individuals are required.

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<sup>14</sup> <https://www.ltoa.org.uk/documents-1/capital-asset-value-for-amenity-trees-cavat/125-national-community-tree-index>

- 3.23. The replacement value is calculated for the cost of the tree at the present time of purchase, plus any additional cost including delivery, planting, maintenance etc to enable replacement and/or compensation to be achieved in relation to:
- Development Management functions.
  - Management decisions, including trees subject to TPOs, or of TPO quality upon site or within Conservation Areas.
  - Assist in legal proceedings (for example to advise a court as to the value of a tree, either publicly or privately owned, following the tree having been illegally removed or damaged, or in planning enquiries/appeals).
  - Management of the tree stock, to allow agreement as to adequate funding of replacement planting as detailed above.
- 3.24. Given its links to public sector organisations and recognised weight in matters of planning, appeals and court proceedings, the CAVAT approach represents the Council's preferred method for calculating tree values when circumstances require it. However other approaches are available for use including the 'Helliwell System', 'CTLA approach' and 'i-Tree' etc. Should an applicant wish to rely on an alternative method, they should notify the Council at the earliest possible opportunity. However for clarification, the use of any approach will be a last resort as the Council's preferred position will always seek to ensure the retention of trees.
- 3.25. Further details of CAVAT can be found on the London Tree Officer's Association website: <https://www.ltoa.org.uk/>

#### Design Criteria

- 3.26. The Council will take account of adopted local plan policies, relevant SPDs, and the most up-to-date legislation, Government advice and recommendations (as issued through refreshed PPG). The Council will not *normally* grant planning permission for:
- Developments which directly or indirectly threaten trees or woodlands of significant amenity value.
  - Developments which have inadequate or inappropriate landscape proposals that fail to provide measures to conserve, or where appropriate, enhance the character of the landscape.
  - Developments which directly or indirectly threaten 'important' hedgerows.
- 3.27. The creation of a sustainable tree stock is a prime consideration when planning any landscape scheme. It is important that the tree stock incorporates trees of all age ranges and a diversity of species; appropriate to the particular location and landscape character.
- 3.28. In general, site layouts will be expected to:
- Provide for the retention of as much of the existing tree cover as is practicable. The allocation of space of trees must be assessed in terms of the overall landscape of the area; continuity and long-term sustainability of tree cover are important criteria to be considered.
  - Make adequate provision for long-term retention of trees, groups of trees or areas of woodland, which are identified as having significant current or potential future amenity value as set out in BS 5837:2012. Preference should be given to retaining A and B category trees, however there will be instances where C

category trees should be retained; for example until new planting is established (generally allow 5-10 years) or to provide temporary screening.

- Provide for the retention of as much of the existing hedgerow cover as practicable.
  - Ensure the long-term retention of all 'Important Hedgerows' according to the Hedgerow Regulations 1997.
  - Allow appropriate space for new planting.
  - Ensure that where proposals include the felling of existing trees, landscape schemes make provision for sufficient replacement planting to compensate adequately for any resulting loss of amenity.
  - Include sufficient information to allow for a full, detailed assessment of the short and long-term arboricultural and landscape implications of the development proposals to be made.
- 3.29. The layout of any development must be designed with detailed reference to the site survey information, particularly the Tree Survey and the Arboricultural Impact Assessment (AIA).
- 3.30. The AIA should also identify the impact of the proposed design and layout on existing trees and detail measures to mitigate adverse effects.
- 3.31. Whilst the AIA should inform site layout design, it is recognised that with the competing needs of development, trees are only one factor requiring consideration. Therefore, it is essential to identify the most 'important' trees for retention and ensure that sufficient attention is given throughout the design and construction process to ensure that these can genuinely be retained in the long term.

#### Applying for Planning Permission

- 3.32. It is essential that all relevant information pertaining to the assessment of trees and landscape issues on a site is submitted with the planning application.
- 3.33. Where a development is likely to affect existing trees on or adjacent to a site, the applicant will be expected to give due regard to the full range of construction-related activities that have potential to cause damage to trees. In these instances the applicant will be expected to forward all the relevant detail necessary for the Council to make an accurate assessment of the short and long-term arboricultural implications of the proposals.
- 3.34. Please refer to the Council's *Local Validation Requirements* for the details required prior to; validation of an application, determination of an application, or the discharge of the planning Condition relating to tree protection.
- 3.35. Permitted development which affects protected trees or hedgerows, may still require a formal application for consent under the Tree Preservation Order, Conservation Area or Hedgerow legislation. As part of the Council's pre-application service, the Council's officers are available to provide detailed, technical advice on such matters and it is advisable to discuss permitted development proposals with them prior to the commencement of any works.

## Planning for Trees Pre-Development

- 4.1. Trees are material considerations in the formal planning system and developers should anticipate the need to accommodate trees within a development; whether through the retention of existing trees, tree planting directly, or through the provision of sufficient private space for future occupiers to carry out their own planting.
- 4.2. Trees impinge on many aspects of site development. It is therefore essential that due consideration should be given to the requirements of trees by all members of the development team throughout the design stages. Developers are encouraged to produce layouts or development site master-plans for discussion, prior to the submission of details at the application stage(s). Such plans should be prepared with professionally qualified arboricultural and landscape design input.

### Avoiding Damage to Existing Trees

- 4.3. Trees' roots are fragile; careful consideration must therefore be given to ensuring that trees and hedges, which have been identified for retention, are not directly or indirectly damaged by any proposed works. This can be done by paying attention to the Tree Survey and constraints information which enables a Construction Exclusion Zone (CEZ) to be determined based on the RPA<sup>15</sup>.
- 4.4. The CEZ will be expected to remain undisturbed for the duration of the development. Site layouts should therefore be designed to avoid any construction works within the identified exclusion zones and should make adequate provision for sufficient working space and movement around the site.
- 4.5. Where development proposals include construction works within the identified exclusion zones, or where it is considered that a site cannot accommodate all of the operations associated with the implementation of a proposed development, without the need to intrude into the exclusion zones, the Council will request the submission of detailed construction specifications and method statements, in order to determine the likely effects of such works on the long- term health and structural stability of the trees. The Council expects full details of all such works to be submitted as supporting documentation to an application, and is *unlikely* to agree to conditional approval otherwise.
- 4.6. Where 'minimal dig' or 'no-dig' engineering treatments, using geotextiles and/or cellular confinement systems, are proposed for new areas of hardstanding within defined exclusion zones, the Council will *usually* require a detailed site and construction-specific method statement to be submitted as part of the planning application. Where such proposals are deemed acceptable, the Council will expect provision to be made for qualified arboricultural supervision and monitoring of all works within the agreed exclusion zones.
- 4.7. The provision in Section 4.2 of BS 5837:2012 for off-setting the RPA by up to 20% in one direction, will only apply in certain specific circumstances, and should not be

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<sup>15</sup> RPAs are calculated by multiplying the diameter of the tree in millimeters at 1.5 meters above the ground by 12 (**diameter (mm) at 1.5m height x 12**). RPAs should be calculated by the qualified arboricultural consultant. Development should be kept out of these areas or the drip-line of the tree – whichever is greater.

taken as a generalisation. There will be a presumption against such reductions, which will only be considered when accompanied by a detailed justification, based on accepted arboricultural principles.

- 4.8. Where proposed construction works are deemed likely to compromise the structural stability or long term health of trees and hedges, which are not subject to any legal controls and are situated outside the site, the applicant will be expected to liaise with the respective landowners. Removal of, or damage to such trees, may require the prior consent of the owner.
- 4.9. Foundation and/or superstructure designs should take account of BS 8004:2015 – *Code of Practice for Foundation*, and National House Building Council (NHBC) Standards, Chapter 4.2 (2018)<sup>16</sup> – *Building near Trees*.

Avoiding Damage to Existing Trees or Woodland- including its ecology.

- 4.10. Direct Damage is caused by the physical/mechanical damage to the crown, trunk and roots resulting from above ground physical contact, and trenching and excavation work within the RPA of a tree.
- 4.11. Indirect Damage may be caused by soil compaction, toxicity or changes in temperature or to hydrology, light pollution, sound pollution etc within the tree's RPA or Woodland Buffer. Soil and root compaction usually results from the driving of heavy machinery especially during wet conditions, or the stockpiling of the heaps of heavy soils or building materials upon the RPA. This may result in significant damage to the tree's rooting environment.



*Damaged soil structure from the passing site vehicles within the Root Protection Zone.*

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<sup>16</sup> The standards can be found using the following hyperlink:  
<http://www.nhbc.co.uk/builders/productsandservices/standardsplus2018/#40>

- 4.12. Soil compaction disrupts the plant's vital function of root respiration, as required by all living organisms. Tree roots respire by the upward vertical uninterrupted diffusion of gasses from the roots through to the atmosphere via the soil's upper surface. The compaction can also kill off a trees' symbiotic relationships with mycorrhizae and other soil associates.

### Tree Works

- 4.13. All tree work schedules and specifications should be detailed, precise and accurate; be drawn up in accordance with current arboricultural best practice and in-line with the requirements of BS 3998:2010 – *Recommendations for Tree Work*. They should include sufficient levels of detail for an accurate assessment of the full implications of the proposals to be made.
- 4.14. Tree Work Schedules must be approved by the Council, prior to implementation. In some cases, an additional Tree/Woodland Management Plan and related Method Statement may be required to be submitted for approval.
- 4.15. The Council expects all tree work operations to be carried out to the highest standards as set out in British Standards, and will apply planning conditions and use TPOs, where necessary, in order to ensure that such standards are upheld.
- 4.16. It is the responsibility of the developer appointed, qualified arboriculturist to ensure all retained trees are monitored throughout the construction period, and any changes to tree protection measures are agreed in writing by the Council's Tree Preservation Officer.
- 4.17. The Council recommends the use of qualified arboriculturists, with appropriate levels of expertise, qualifications and insurance cover. The Arboricultural Association is an organisation that maintains an approved list of such parties<sup>17</sup>.

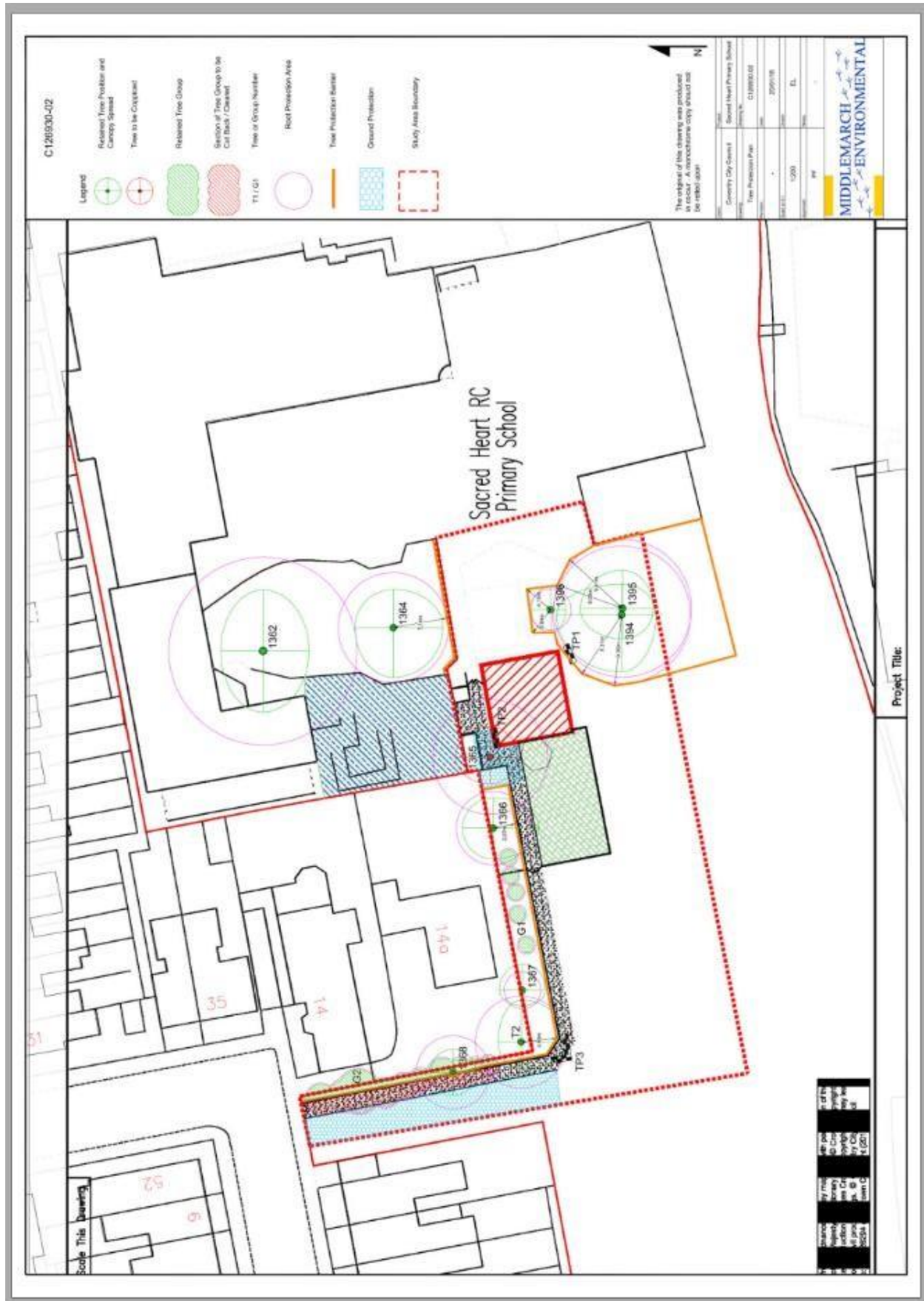


<sup>17</sup> Copies of Directories are available from the Arboricultural Association. This can be found using the following hyperlink: <https://www.trees.org.uk/Registered-Consultant-Directory>



### Tree Protection Measures

- 4.18. Trees on development sites are particularly vulnerable to disruption during the construction process, and damage is often irreparable leading to decline and premature death. Tree root systems are especially sensitive to construction damage. Such damage is not usually deliberate, but more often than not, due to a lack of understanding of how easily trees can be harmed by nearby activities.
- 4.19. BS 5837:2012 provides clear guidance on the implementation of a Tree Protection Plan (TPP), and the Council expects the contents of this document to be complied with.
- 4.20. Planning conditions will be used to ensure that:
- Tree protective barriers are erected prior to the commencement of any construction works, including demolition and preparatory site clearance and site set-up.
  - No development or other operations will take place until all preparatory works required by the TPP are in place (except pre-development tree works, with the prior written agreement of the Council).
  - All subsequent development operations are carried out in accordance with the approved scheme.
  - No development operation or construction activity, which could potentially cause damage to trees or hedges, is permitted within any areas designated in the approved scheme as being fenced off or otherwise protected.
  - Protective barriers are retained intact for the full duration of the development and are not re-positioned or removed without the prior written approval of the LPA.
- 4.21. Tree Protection Measures (TPM) will be expected to address the following issues:
- Protective barriers should be positioned so as to enclose as large an area around each tree, group of trees and hedgerows as is practicable. It must also contain at least the area of the exclusion zone previously identified by reference to the TPP of the Tree Survey.
  - The type of protective barrier should be appropriate to the degree of construction activity taking place upon the site. Figure 2 of BS 5837:2012 is appropriate for most situations as it is readily available, resistant to impact, can be re-used and enables inspection of the protected area.
  - The positioning of the protective barrier must ensure that the development can be implemented without intruding into the exclusion zone.



Best-practice example of a Tree Protection Plan. Reproduced with kind permission from Middlemarch Environmental Ltd.

### Root Protection

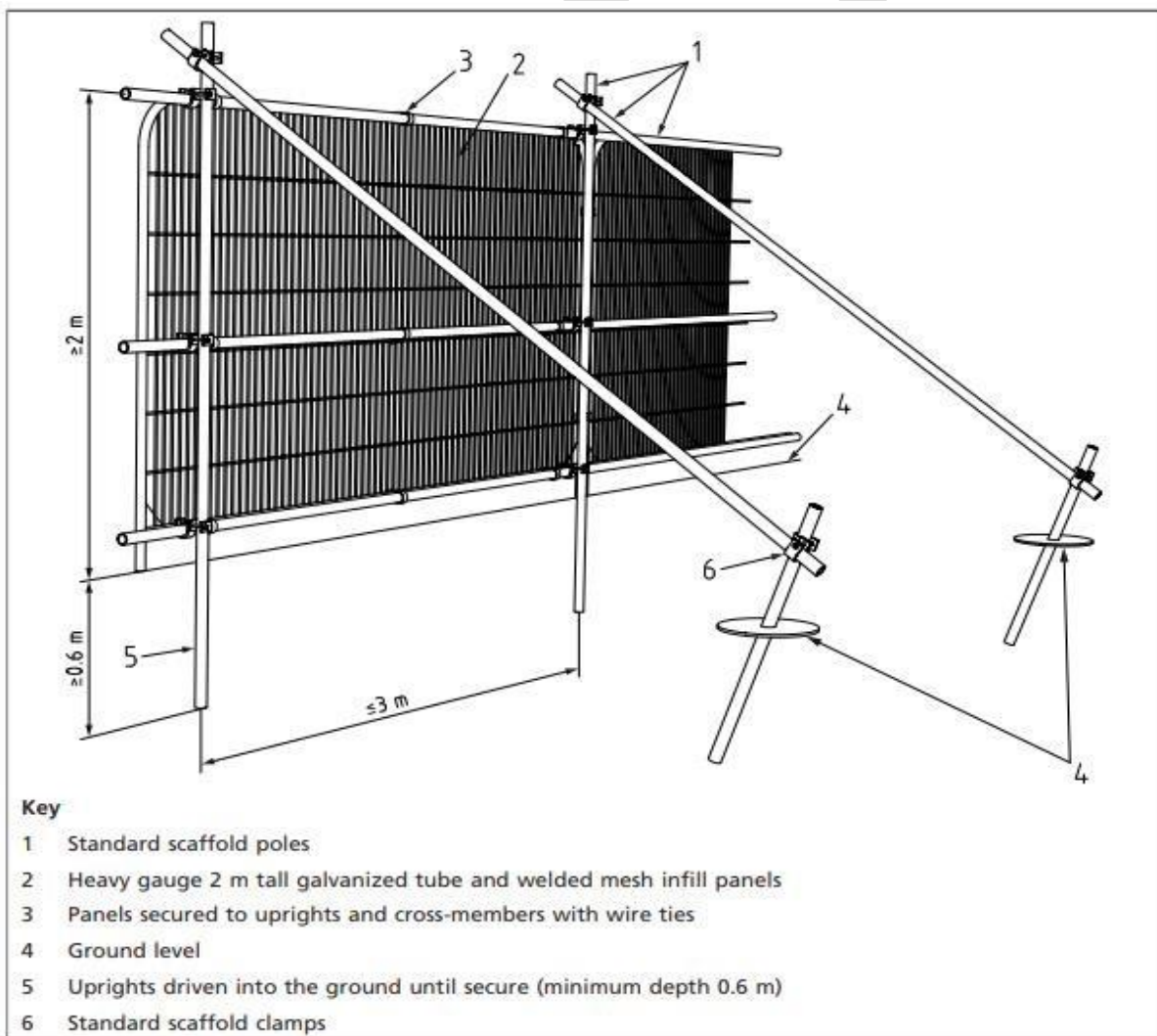
- 4.22. As the morphology of the tree crown establishes from sapling stage to maturity, it develops a more spreading crown. In ratio to this it's root system modifies from its initial deep rooting taproot, to that of a more efficient spreading system of rapidly subdivided lateral woody roots comprised of dropper and sinker roots, which extend well beyond the drip line edge of the crown's outermost branch tips. These systems display a rapidly subdividing fibrous non-woody root structure.
- 4.23. Most of the roots of a mature tree are within the upper 600mm of the soil surface where the higher levels of moisture, oxygen and nutrients are found, for healthy growth and survival.
- 4.24. The health of a tree's root system is vital to its long term well-being, and any activity which affects the soil structure may also damage or kill the fine roots or alter the balance of moisture, oxygen and nutrients within the rooting zone. This can affect the whole tree.
- 4.25. The root system is equally important in terms of structural stability. The mass of soil particles bound together by the fibrous roots create a structural counter-balance to the above ground parts of a tree. Structural stability may also be impaired by excavation within the rooting zone, even where major roots have not been severed.



- 4.26. Damage or severance of main structural roots, as well as killing off the distal portions of the fine root system, may also affect a trees stability rendering it dangerous by increasing its chances of structural failure.

- 4.27. Potentially damaging operations include;
- Excavation within the rooting zone,
  - Raising or lowering of ground levels.
  - Compaction of the soil by construction works, machinery or vehicles and the storage of materials and debris,
  - The dumping or spillage of toxic or caustic material such as diesel, solvent or cement,
  - The installation of impermeable surfacing,
  - Direct damage to trunks and branches by construction vehicles, and
  - Fries built closer than 20m from the outer crown.

4.28. The Council will normally require detailed TPMs to be submitted for approval if any of the above are proposed. It will be expected to make provision(s) for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. This will also include locations for new tree planting.



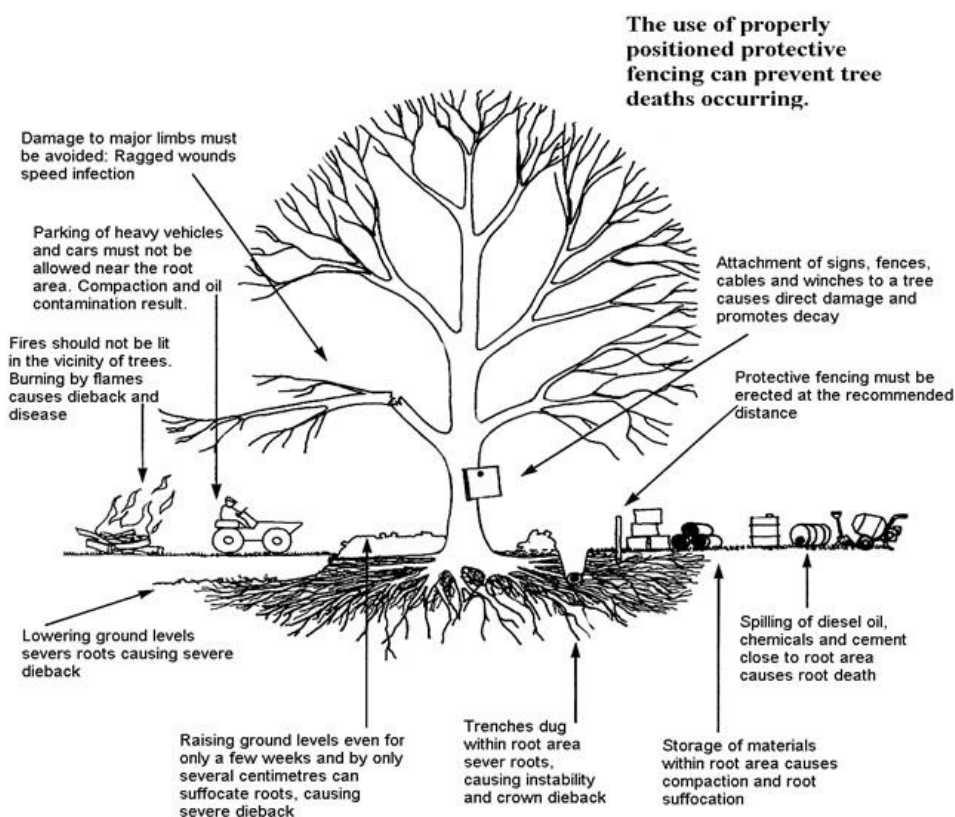
*Default specification for protective barrier. Reproduced with kind permission from the British Standards Institute.*

- 4.29. Ground protection may be required during development to avoid compaction. Where it has been agreed during the design stage and shown on the approved TPP that certain operations may take place within the RPA, ground protection will be necessary in addition to protective barriers. Refer to Figure 2 of BS 5837:2012 for scaffolding within the RPA.
- 4.30. Where trees are of TPO quality, the LPA may require site monitoring by a qualified arboriculturist. The AMS would illustrate a **Site Monitoring Sheet (SMS)** where key phases of construction are monitored and signed off by a qualified arboriculturist. This is to ensure that the tree protection pens and any ground protection have been correctly erected prior to any site activity taking place, and where they must remain in place until the end of the build phase. The final phase would be to confirm the end of this construction phase, when the tree protection pens may then be dismantled.
- 4.31. The long-term implications of any construction work within the exclusion zone(s) should also be carefully assessed in relation to **Table 3 of BS 5837:2012**. New structures, drains, services, walls, paths, driveways and areas of hardstanding should be sited or designed so as to avoid direct damage from future growth of the bole and main structural roots of retained trees<sup>18</sup>.

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<sup>18</sup> For guidance on avoiding indirect damage by trees to structures, please see the NHBC Standards: Chapter 4.2(.3) using the following hyperlink:  
<http://www.nhbc.co.uk/Builders/ProductsandServices/Standardsplus2018/#1>

## Common causes of Tree Death



### Principles of Tree Planting

- 4.32. Quality tree planting schemes on development sites can contribute to the creation of a high level of amenity and an attractive environment, whilst maintaining a relation to the character of a site and its surroundings.
- 4.33. Tree planting should be recognised from the outset as an integral part of any development scheme landscape plan, and should be purposefully designed to complement the proposed features of the development and those existing features intended for retention. On sites that have no existing trees, it is especially important to plan for the planting of trees as part of the development.
- 4.34. Tree planting will be expected to contribute, on an effective scale, to the conservation or enhancement of the landscape, providing an overall environmental benefit in terms of public amenity and nature conservation.
- 4.35. Planting schemes should be appropriate for the intended use of the development, and will be expected to contribute to the establishment of a well-structured framework of diverse ages, sizes and species with the potential to be managed constructively over decades or even centuries. It is very important to incorporate some large-stature, long-term trees whenever possible, but it is essential that sufficient space is allowed in the layout for their ultimate size.
- 4.36. Developers should recognise the functional role of tree planting in enhancing the physical characteristics of a development: providing shelter, screening, enclosure,

'softening' the outline of buildings, defining space, directing routes and views, or simply to enhance the visual amenity of an area. Particular attention should be given to the use of tree planting to enhance public areas within developments, and views into the site from surrounding public spaces.

- 4.37. In locations where nature conservation objectives are particularly important, planting schemes will be expected to maximise the benefits to wildlife, through the use of a range of native trees and shrubs suited to the ecology of the locality. Due consideration should be given to layout configuration, planting density, choice of species, species mixes, proportions and edge characteristics. Such schemes should always be prepared with input from professionally qualified ecological advisors including the authorities own Ecology Officer.
- 4.38. The overall principles are set out in appendix 2 and 3; and should include:
- Principles of Planting Design: where percentages of appropriate tree, shrub and herbaceous species are considered from Ancient Arden, wider native species including species to encourage wildlife and ecology, and decorative species.
  - Plant as Elements of Landscape: to include prospective planting, planting as focal points, to create barriers for screening, windbreaks and mark boundaries etc.
  - Planting Layout: to consider appropriate species of a tree's ultimate height, crown spread and root morphology, for open spaces, site entrances, junctions, marginal planting for internal roads dependent upon space availability from the more special boulevard planting to a site's more restricted narrow road layouts where narrow fastigiate species may be selected.
- 4.39. Additional information on tree planting design are available through the Council's SPD: *Urban Extension Design Guide* and *Residential Design Guide*.

#### Avoiding Future Conflict

- 4.40. As set out in PPG 'Natural Environment'; trees, as a component of green infrastructure, must provide benefits in the long-term. This should be factored into the way that proposals are designed and implemented.
- 4.41. Development layouts, even if not affecting trees directly, may not be acceptable if they would result in undue pressures, in the short or long term, for felling or excessive pruning of important trees by future home-owners and commercial landlords.
- 4.42. Site layouts which merely avoid exclusion zones may not necessarily be adequate. Other factors must be taken into account to ensure that trees, which are to remain, can reasonably be retained to maturity, thereby providing maximum amenity benefits with minimum maintenance requirements.
- 4.43. In considering the juxtaposition of trees and buildings, site layout designs will be expected to ensure that trees which are to remain are given adequate space, including sufficient allowance for future growth, without the need for excessive or unreasonable pruning.

- 4.44. Site layouts should ensure that private garden areas are of adequate size by being large enough to enable normal domestic use and can reasonably accommodate trees, including allowance for their future growth. Private garden areas should normally be sufficient to allow reasonable extension of the main dwelling and other permitted development rights without reducing the amount of usable garden space to unacceptable levels.
- 4.45. The predicted mature height, branch spread, and crown form of individual trees should be assessed in conjunction with site factors such as aspect, topography, soil conditions and exposure. (The ultimate mature size of any individual tree will be dependent on site specifics, and an assessment from a qualified arboricultural consultant should be sought).

#### Planting New Trees

- 4.46. Tree planting should aim to make the optimum long-term use of allocated space without causing unreasonable future inconvenience to occupiers.
- 4.47. In order to ensure that new trees do not interfere to such an extent that unsightly, heavy pruning or removal becomes necessary, the following factors will require attention:
- There should be careful choice of species and siting to ensure maximum long-term amenity benefits and minimising potential future conflict.
  - Decisions regarding species and siting should be taken based on an assessment of the potential dimensions and growth habit and maturity; which will give an indication of whether future pruning requirements are likely to be acceptable.
  - Careful siting of new trees with reference to Table A.1 of BS 5837:2012 will ensure that future root damage to structures, drains, services, walls, paths and drives is prevented, or at the very least minimised.
  - The inclusion of professional arboricultural input into the landscape design stages is highly recommended, whenever new tree planting is proposed.
- 4.48. Planning conditions will normally be used to ensure that planting schemes are planned, implemented and maintained to provide maximum long-term benefits. Therefore the submission of a fully informed planting scheme, in support of a planning application, will usually be required for development sites.
- 4.49. The Council expects sufficient information to be provided to judge the value of planting schemes. Consideration should be given to augmenting proposals with cross-sections, projections and illustrative drawings.
- 4.50. The minimum level of detail required for new tree planting proposals are:
- An accurate, detailed planting plan and schedule.
  - A comprehensive list of species and stock specification.
  - Details of planting densities and spacing.
  - Individual locations of specimen trees and shrubs.
  - Clear indication of existing trees specified for retention and those for removal.
- 4.51. The long-term aims of a scheme can only be achieved if the new planting succeeds. The Council will pay particular attention to practical measures that are proposed as



part of any scheme, to ensure successful establishment. Planting schemes are expected to include the following provisions:

- Preparation of the planting environment (including decompaction and drainage) should be at least to the standards set out in the BS 4428:1989 – *Code of Practice for General Landscape Operations (excluding hard surfaces)*.
- All plant material provided will be expected to comply with, and be planted, in accordance with the requirements of; The Horticultural Trades Association National Plant Specification, BS 8545:2014 – *Trees: from nursery to independence in the landscape – Recommendations*, as appropriate.
- Final planting positions for new trees will be expected to take account of the requirements of BS 5837:2012.
- The inclusion of a management plan and detailed maintenance schedule in accordance with the requirements of BS 4428:1989.

### Site Layout

- 4.52. Site layouts must also ensure that trees at maturity will not dominate buildings, which would lead inevitably to concerns about safety and ultimately to requests to fell or heavily prune. Where large, mature, aged or Veteran Trees or Ancient Woodland are located on or adjacent to the site, an adequate buffer and space must be allowed for their development and long-term physical protection and maintenance by incorporating into open space.
- 4.53. Furthermore, site layouts must ensure that trees will not cause unreasonable obstruction of direct sunlight or daylight to properties<sup>19</sup>. Reference should be made to the information provided on the AIA. Factors requiring detailed deliberation include; individual species characteristics (e.g. potential for future growth), and garden size and layout (e.g. the aspect of the tree from the building, building to tree clearances, building orientation, and the positioning and size of windows - especially in habitable rooms).
- 4.54. In addition, site layouts must ensure that due consideration is given to the pruning requirements of retained trees (full details should be included in the tree survey). Where pruning regimes, present or future, are recommended as a way of reducing the adverse effects of trees on a development, the Council will carefully assess whether such proposals are consistent with prudent arboricultural management, are likely to meet the suggested long term objectives and whether they are reasonable, enforceable and can practically be implemented. All tree works will be expected to comply with current arboricultural best practice, and meet the requirements of BS 3998:2010.

### Site Access

- 4.55. The provision of permanent and temporary site access is an important part of the layout design stages and full details will normally be required in support of any planning application.

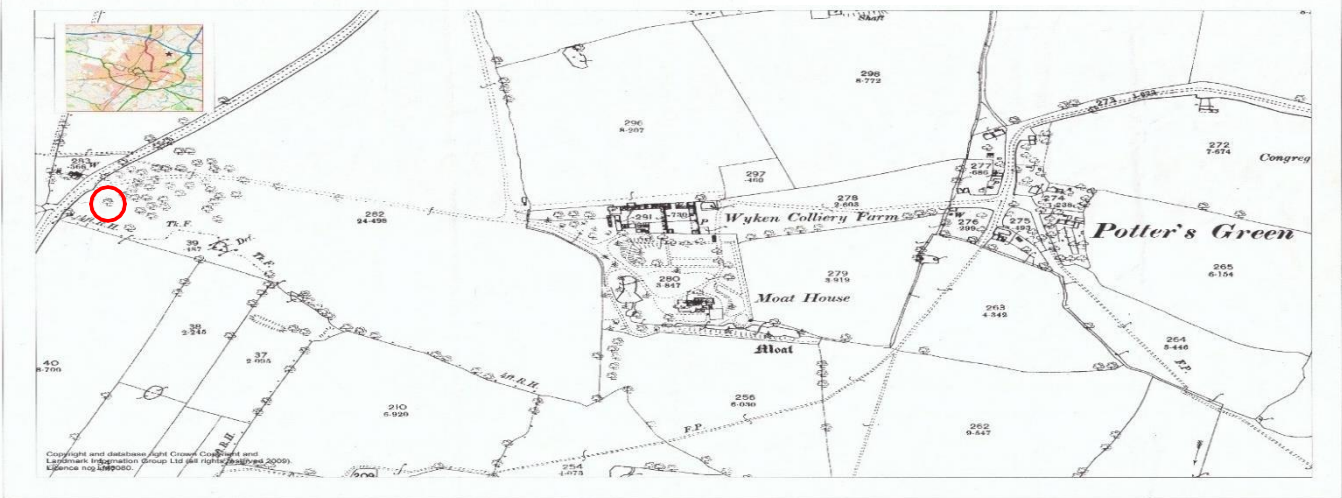
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<sup>19</sup> The 45° 'Rule of Thumb': The sun is 45° or more above the horizon from mid-April to mid-August between approximately 11:00 and 15:00 BST. If a tree is no closer to a property than its ultimate mature height, the sun will be above the tree's canopy during these periods, and that property will receive reasonable levels of natural light.

**Moat House as depicted on the  
1st Edition Ordnance Survey map of 1888**

Compiled by A Wilson on 21 July 2009

  
Coventry City Council  
Scale 1:2500



- 4.56. For safety reasons, site access layouts and visibility splay clearances may require the removal or pruning of trees and hedges. Where this is likely, applicants are encouraged to liaise with the Council through the pre-application process (as appropriate) to seek clear guidance of their requirements, prior to submission of an application. Although generally, permanent and temporary site access designs will be expected to avoid tree and hedgerow removals, and ensure the long-term retention of all important trees and hedges.

- 4.57. The need to make provision for site access on a temporary basis must also be given due consideration. Sites may require temporary access for long, wide, or high loads, and provision may be required for unusually large vehicles or machinery. The need to provide adequate operational space within the site, for specialised equipment, machinery and/or vehicles (including cranes and piling rigs), must also be considered. Any resulting short and long-term implications for trees and hedges which are to remain must be carefully assessed and full details submitted as part of any planning application.
- 4.58. Drainage and service layouts must be designed in such a way as to allow for installation and future maintenance without adversely affecting trees and their root systems. The provision of common service trenches may help to minimise potential conflicts.
- 4.59. Full details of service layouts should be submitted with any planning application. Service layout planning and installation should be carried out in accordance with methodology requirements set out within BS 5837:2012.

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## **Implementation, Monitoring and Review**

- 5.1. The provisions of this SPD will be implemented through the development management process, principally the determination of planning applications which involve trees.
- 5.2. Whilst this document does not have the status of the Local Plan (for the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004), it will be a key material consideration in determining planning applications.
- 5.3. The effectiveness of this SPD will be assessed periodically through the planning departments review mechanism, namely the Local Development Scheme. The Council's Tree Officer(s) will continue to monitor the impacts that this document is having on the planning process and ultimately upon trees within development. It will also help to establish whether the intended effects, as set out in the aims and objectives, are being met.

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*“If a tree is treated as a living organism, with an understanding of its vital functions, it will be a constant source of profit and pleasure.”*

Professor N.T. Mirov, University of California

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Coventry City Council

Trees & Development Guidelines for Coventry Supplementary  
Planning Document (SPD)

Regulation 12(a) Report of Consultation and Consultation  
Statement

December 2019

## **Introduction**

This report sets out the consultation that took place in the lead up to and during public consultation of the Coventry Draft Trees & Development Guidelines Supplementary Planning Document (in this document referred to as the Draft SPD) from 8th August to 21st September 2018 and 7 January 2019 to 18 February 2019. It reviews the consultation responses received, the number of representations made and a summary of the main issues raised by the representors.

This document has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 which requires that Local Authorities set out the persons the local planning authority consulted when preparing the supplementary planning document, a summary of the main issues raised with the consultation responses, and how those issues have been addressed. Once adopted, the Trees & Development Guidelines Supplementary Planning Document will form part of the Council's Local Plan.

## **Background**

The Trees & Development Guidelines Supplementary Planning Document has been prepared to provide technical guidance and support to Policy GE3 and GE4 of the Local Plan. This will help deliver one of the overall objectives of the Plan which is to help protect and manage trees through the planning process. The Trees & Development Guidelines Supplementary Planning Document is aimed at individuals and organisations involved in submitting a planning application as well as those involved in the determination and enforcement of planning applications, for all relevant developments (residential, commercial and mixed developments).

## **Public Consultation**

The Draft Trees & Development Guidelines SPD was approved for a third public consultation by the Council's Cabinet Member on 23 September 2019. Public consultation had previously taken place between 8th August and 21st September 2018. Notification of the Draft SPD consultation was sent via email and letter to:

- Statutory Consultees including adjoining Local Authorities; and
- Local Plan database contacts including individuals, developers and community groups.

Hard copies of the Draft SPD were made available in the customer contact centre and Council House in the city centre. The consultation was posted on the council's Facebook and Twitter account as well as appearing on the main council webpages.



A number of drop in sessions were also held across the City to facilitate community input and feedback.

A second public consultation took place between 7 January 2019 and 18 February 2019. Comments were requested via email to [ldf@coventry.gov.uk](mailto:ldf@coventry.gov.uk). An email address and contact telephone number was provided on all the consultation material and the website for those who wanted to ask questions and seek further information.

### **Summary of Response to the Consultation**

A total of ten responses were received for both consultations via email as well as a range of informal comments and suggestions made through stakeholder meetings and consultation drop in events. A summary of the representations for the first consultation has previously been published. A summary of the second consultation representations and the proposed response are set out below.

<b>Comment</b>	<b>Response</b>
The Council should consider if the content of the Supplementary Planning Document (SPD) complements Policies GE3 and GE4 of the Local Plan and the Town and Country Planning Regulations 2012, instead of going beyond what an SPD should contain.	After consideration of the points made in the Trees and Development Guidance SPD, close links can be found to policies GE3 and GE4 of the Local Plan. The SPD does expand on the Local Plan's policies but are within the overall context of Policies GE3 and GE4 and therefore, are amplifying and providing further appropriate detail as to how the policies should be interpreted.
The SPD fails to provide the existing advice regarding the minimum size of the buffer for ancient woodland (15m).	In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council would want to future proof this reference within the SPD by simply referring to the current guidelines at the time for the minimum buffer depths which surround ancient woodlands.
No reason has been given for why the Forestry Commission and Natural England's existing advice is not provided regarding Ancient Woodlands.	In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council will want to future proof this reference within the SPD by simply referring to the current guidelines of the time for the minimum buffer depths which surround an ancient woodlands.
The Council has either missed or disregarded the Government's and statutory consultees standing advice on this matter, instead referring to paragraph 2.13 of the Planner's manual for ancient woodland and veteran trees which pre-dates the current advice.	The Planner's Manual for Ancient Woodland and Veteran Trees (July 2019, Woodland Trust) has since been revised following recent PPG revision. The Manual recommends the same minimum precautionary minimum 50m+ buffer as previous. In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council will want to future proof this reference within the SPD by simply referring to the current guidelines of the time for the minimum buffer depths which surround ancient woodlands.
No reasoning is provided for paragraph 2.13. If these parameters exist based on scientific evidence, the document should clearly set these out for comment.	Such evidence is provided to the reports appended to the PPG Ancient woodland page further reading lists: Impacts of nearby development on ancient woodland (2012) Woodland Trust; Impacts of nearby development on the ecology of ancient woodland (2008) Just Ecology; A Review of the Impact of Artificial Light on Invertebrates (2011) Buglife; Bats and artificial lighting in the UK (2018) Bat Conservation Trust; Guidelines for consideration of bats in lighting projects (2018) EUROBATS.

	<p>There is however no scientific evidence for where 15m has derived, the guidance recommends a minimum of 15m+.</p> <p>In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council will want to future proof this reference within the SPD by simply referring to the current guidelines of the time for the minimum buffer depths which surround ancient woodlands.</p>
<p>No explanation has been provided as to why ancient woodland, within the City warrants a significantly greater minimum buffer (more than 3 times more) than the buffer required by the Government and Statutory consultee, who have previously worked on this matter.</p>	<p>The current guidance refers to a minimum of 15m+ dependent upon the scale of development, rather than a maximum of 15m superfluous to the scale of development.</p> <p>In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council will want to future proof this reference within the SPD by simply referring to the current guidelines of the time for the minimum buffer depths which surround ancient woodlands.</p>
<p>Paragraph 3.27 includes a policy for how the Council will determine planning applications that impact on trees and woodland. The criteria in the SPD differs from criteria within Policies GE3 and GE4 which could lead to the conclusion that the SPD is seeking to introduce an entirely different form of assessment.</p>	<p>Paragraph 3.27 of the SPD has the same context as Policies GE3 and GE4 of the Local Plan. The difference is that Paragraph 3.27 of the SPD considers why a planning application would be denied regarding tree protection; whereas Policies GE3 and GE4 of the Local Plan consider how planning applications would be granted. The context of the paragraph in the SPD and the policies in the Local Plan are based on the same context with the difference being the point of view. It is considered that they do not contradict each other.</p>
<p>Planning applications have been submitted before the SPD was released, which stated factors related to trees that would not be suitable under the new SPD. However, prospective applicants have not been advised, in advance, of these changes and therefore, preceded as planned. How will this impact on applications that are yet to be determined?</p>	<p>The earlier PPG version (4-1-18) advised on the appropriate size of buffer zones (under 'Mitigation measures') as 50m to mitigate the effects of pollution and trampling.</p>
<p>The policy needs to specify what kinds of trees are more desirable. This should be put out to consultation.</p>	<p>The SPD includes an appended document which indicates the types of Tree suitable for planting.</p>
<p>Naturally formed trees make a much better contribution than pollarded lollipop trees.</p>	<p>Comment noted and agreed.</p>
<p>The preference of the public for different kinds of trees, and treatments, should be determined by surveys, and consultation.</p>	<p>It is good practice for prospective applicants to recommend species treatment/management to the Planning Department's Tree Preservation Officer's approval.</p>

In the past, there has been a lack of resource, or will, to carry out TPOs in a timely fashion, i.e. before planning permission is granted or before felling occurs. The policy should include provision that wherever the CAVAT value of a tree at risk exceeds £40,000 there should be an automatic assessment for a TPO before planning permission can be granted.	Comment noted. The Council have revised the SPD section for CAVAT assessments to include TPO trees and also trees of TPO quality.
Whenever a tree is assessed, officers should keep a sufficient record of the assessment.	This is already carried out as part of the due process.
Wherever a tree with a CAVAT value of more than £40,000 is to be removed, the stakeholder groups should be advised at least 6 weeks in advance, except in the case of a need for emergency action.	A tree with a CAVAT value of £40,000+ does not necessarily qualify to be of TPO quality. The public consultation period for standard applications is 21 days.
In the past, the council contract with tree surgeons allowed the surgeons to make the assessment of what work was needed. This is a clear conflict of interest, which should be prohibited. Those who gain from work orders, should not have a role in assessing the needs.	This is not applicable and the statement is not correct. Tree surgeons (arborists) do not recommend the work for Council contracts. The applicant's arboriculturists do recommend any work to site trees which are approved by the Planning Department's Tree Preservation Officer.
The policy should require that Council policy should always be fully evidence based.	Comment noted.
Approve of the use of CAVAT valuations. All developer and council tree reports should include the CAVAT value for each tree assessed, - and a cumulative value for any tree groups. Developers should pay the full CAVAT value towards improvements and protections for the landscape.	Comment noted. The Council have revised the SPD CAVAT section to include TPO trees and also trees which are of TPO quality.
Buffer zones should be a minimum of 100 meters. Ancient woodlands are very susceptible to over use, and damage from soil compaction, and over fertilisation through being overrun with cats and dogs.	The Council need to comply with the minimum buffer depths for ancient woodlands which are current at the time.
The use of tree groups should not be accepted in tree surveys. They disguise the damage to the landscape. Individual trees, greater than 15 cm diameter should all be assessed.	The BS 5837: 2012 does require Tree Groups to be assessed, together with Individual trees and Woodlands, and Hedgerows. Individual trees, greater than 7.5 cm diameter are assessed.
The design guidance should recognise holloways as an essential part of the Arden landscape. Where	Comment noted.

development occurs, they should be re-established in ancient Arden.	
The SPD could consider making provision for Green Infrastructure within developments. This should be in line with any Green Infrastructure strategy covering Coventry.	The SPD will be strengthened by adding reference(s) to the Council's suite of Green Infrastructure assets as set out in the strategy.
Urban green space provides multi-functional benefits – it contributes to coherent and resilient ecological networks, allowing species to move around, and within, towns and the countryside.	Comment noted.
Urban Green Infrastructure is also recognised as one of the most effective tools available to us in managing environmental risks such as flooding and heat waves.	Comment noted.
Greener neighbourhoods and improved access to nature can also improve public health and quality of life and reduce environmental inequalities.	Comment noted.
There is a significant opportunity to retrofit green infrastructure in urban environment – green roof systems, roof gardens, green walls and new tree planting.	Comment noted.
Could consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans.	Comment not relevant to this SPD and are covered in other SPDs.
This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework – provide guidance on the level of bat roost or bird box provision within the built structure.	Comment not relevant to this SPD and are covered in other SPDs.
The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access and contact with nature.	Comment noted.
May be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed so to do,	Comment noted.

<p>and where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die.</p>	
<p>Could consider the impacts of lighting on landscape and biodiversity.</p>	<p>Comment noted.</p>
<p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project.</p>	<p>Comment noted.</p>